

ACT No. 275

HOUSE BILL NO. 760

BY REPRESENTATIVES SCALISE, ALARIO, ALEXANDER, ANSARDI, ARNOLD, BADON, BALDONE, BAUDOIN, BEARD, BOWLER, BRUCE, BRUNEAU, BURNS, CAZAYOUX, CRANE, CRAVINS, CROWE, DAMICO, DANIEL, DARTEZ, DEWITT, DOERGE, DORSEY, DOVE, DOWNS, DURAND, ERDEY, FANNIN, FARRAR, FAUCHEUX, FRITH, GEYMANN, GLOVER, GREENE, M. GUILLORY, HAMMETT, HARRIS, HEATON, HEBERT, HILL, HOPKINS, HUTTER, JOHNS, KATZ, KENNARD, KENNEY, KLECKLEY, LABRUZZO, LAFLEUR, LAMBERT, LANCASTER, MARTINY, MCDONALD, MCVEA, MONTGOMERY, MORRISH, PIERRE, PINAC, PITRE, M. POWELL, T. POWELL, QUEZAIRE, RITCHIE, ROBIDEAUX, ROMERO, SALTER, SCHNEIDER, SMILEY, GARY SMITH, JACK SMITH, JANE SMITH, JOHN SMITH, ST. GERMAIN, STRAIN, THOMPSON, TOOMY, TOWNSEND, TRAHAN, TRICHE, TUCKER, WADDELL, WALKER, WALSWORTH, WHITE, WINSTON, AND WOOTON AND SENATORS B. GAUTREAUX, MCPHERSON, MOUNT, NEVERS, AND SCHEDLER

1 AN ACT

2 To enact R.S. 14:329.6(H) and R.S. 29:738, relative to the powers of the governor and local
3 governmental officials during times of emergency or disaster; to provide that those
4 powers do not authorize the seizure or confiscation of a firearm, weapon, or
5 ammunition from any individual if the firearm, weapon, or ammunition is being
6 possessed or used lawfully; to provide exceptions for peace officers in the lawful
7 discharge of their duties; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:329.6(H) is hereby enacted to read as follows:

10 §329.6. Proclamation of state of emergency; conditions therefor; effect thereof

11 * * *

12 H.(1) Nothing in this Section shall authorize the seizure or confiscation of
13 any firearm or ammunition from any individual who is lawfully carrying or
14 possessing the firearm or ammunition except as provided in Paragraph (2) of this
15 Subsection.

16 (2) A peace officer who is acting in the lawful discharge of the officer's
17 official duties may disarm an individual if the officer reasonably believes it is
18 immediately necessary for the protection of the officer or another individual. The

1 peace officer shall return the firearm to the individual before discharging that
2 individual unless the officer arrests that individual for engaging in criminal activity,
3 or seizes the firearm as evidence pursuant to an investigation for the commission of
4 a crime.

5 Section 2. R.S. 29:738 is hereby enacted to read as follows:

6 §738. Emergency powers do not extend to confiscation or seizure of lawfully
7 possessed or used firearms, weapons, or ammunition; exceptions

8 A. Nothing in this Chapter shall authorize the seizure or confiscation of any
9 firearm or ammunition from any individual who is lawfully carrying or possessing
10 the firearm or ammunition except as provided in Subsection B of this Section.

11 B. A peace officer who is acting in the lawful discharge of the officer's
12 official duties may disarm an individual if the officer reasonably believes it is
13 immediately necessary for the protection of the officer or another individual. The
14 peace officer shall return the firearm to the individual before discharging that
15 individual unless the officer arrests that individual for engaging in criminal activity,
16 or seizes the firearm as evidence pursuant to an investigation for the commission of
17 a crime.

18 Section 3. This Act shall become effective upon signature by the governor or, if not
19 signed by the governor, upon expiration of the time for bills to become law without signature
20 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21 vetoed by the governor and subsequently approved by the legislature, this Act shall become
22 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____