
DIGEST

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HB 736 Original

2018 Regular Session

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Abstract: Prohibits the sale and possession of assault weapons and high capacity magazines and requires those who current possess such weapons to register or surrender their weapons.

Proposed law provides that, on or after Jan. 1, 2019, no person shall import, manufacture, sell, keep for sale, offer for sale, purchase, or transfer within this state a large-capacity detachable magazine as defined by proposed law.

In addition, proposed law provides that, on and after Jan. 1, 2019, no person shall import, manufacture, sell, keep for sale, offer for sale, purchase, possess, or transfer within this state an assault weapon as defined by proposed law, unless such person registers and obtains a license to possess the weapon pursuant to the provisions of proposed law.

Proposed law provides for the following penalties:

- (1) A person who possesses an assault weapon with an expired license issued pursuant to proposed law shall be fined not more than \$500 or imprisoned for not more than six months, or both.
- (2) A person who possesses an assault weapon which has not been registered pursuant to proposed law shall be fined not more than \$2,000 or imprisoned with or without hard labor for not more than two years, or both.
- (3) A person who imports, manufactures, sells, keeps for sale, offers for sale, or transfers an assault weapon or large-capacity detachable magazine shall be fined not more than \$10,000 or imprisoned with or without hard labor for not more than five years, or both.

Proposed law requires any person who lawfully possesses an assault weapon prior to Jan. 1, 2019, to either surrender it to state police or to register it and apply for a license to possess the weapon as provided by proposed law. In addition, proposed law requires any person who receives an assault weapon by inheritance or succession to either register or surrender the weapon pursuant to proposed law within thirty days of receipt of the assault weapon.

Proposed law requires any person seeking to register and apply for a license to possess the weapon to submit to a criminal background check and complete all registration and licensing forms as prescribed by state police. The registration is required to contain certain information including the name, address, and date of birth of the person possessing the assault weapon as well as a detailed

description of the assault weapon including the make, model, manufacturer, and serial number of the assault weapon.

If the person applying for a license to possess an assault weapon is not prohibited from possessing a firearm under state or federal law, proposed law requires state police to issue the person a license to possess an assault weapon. The license shall have a term of one year and shall be renewed annually and shall authorize the licensee to possess the weapon only under the following conditions:

- (1) The licensee possesses the assault weapon only on property owned or immediately controlled by the licensee, or while engaged in the legal use of the assault weapon at a duly licensed firing range, or while traveling to or from either of these locations for the purpose of engaging in the legal use of the assault weapon, provided that it is stored unloaded and in a separate locked container during transport.
- (2) The licensee possesses the assault weapon while lawfully engaged in shooting at a duly licensed, lawfully operated shooting range.
- (3) The licensee possesses the assault weapon while lawfully participating in a sporting event officially sanctioned by a club or organization established in whole or in part for the purpose of sponsoring sport shooting events.
- (4) Whenever not in use by the licensee, the assault weapon shall be locked by a secure gun storage or safety device that a prohibited individual has no ability to access.

If the person applying for a license is prohibited from possessing a firearm under state or federal law, proposed law prohibits state police issuing a license to that person and the person is required to surrender the assault weapon to state police pursuant to proposed law.

Proposed law authorizes state police to accept a surrendered assault weapon, which shall then be disposed of in accordance with certain provisions of present law which provides for the disposal of firearms by law enforcement agencies.

Proposed law requires state police, by rules adopted pursuant to the present law Administrative Procedure Act, to prescribe procedures for the registration of assault weapons and for the issuance and renewal of licenses to possess an assault weapon.

Proposed law provides for the following exemptions from proposed law:

- (1) A federal, state, or local law enforcement officer in the performance of his official duties.
- (2) Any person on active duty with the armed forces of the United States and stationed within Louisiana but who is domiciled in another state. Such person shall register the assault weapon and shall either surrender the assault weapon to state police or remove it from the state prior to leaving the armed forces.

- (3) Any person licensed under 18 U.S.C. 923 for the purpose of selling an assault weapon or large-capacity detachable magazine to a law enforcement agency.
- (4) An assault weapon that has been permanently disabled so that it is incapable of discharging a projectile.
- (5) Any antique firearm as defined by 18 U.S.C. 921.
- (6) A temporary transfer if the transferor has no reason to believe that the transferee will use or intends to use the weapon in a crime or is prohibited from possessing a weapon under state or federal law, and the transfer takes place and the transferee's possession of the firearm is exclusively under certain conditions including while at a shooting range or while reasonably necessary for the purposes of hunting, trapping, or fishing.

Proposed law defines the following terms for purposes of proposed law: assault weapon, action of the weapon, forward pistol grip, large-capacity detachable magazine, law enforcement officer, pistol grip, second hand grip, and state police.

(Adds R.S. 40:1801-1809)