

2019 Regular Session

HOUSE BILL NO. 281

BY REPRESENTATIVE MIGUEZ

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/FIREARMS: Provides relative to preemption of state law for firearms

1 AN ACT

2 To amend and reenact R.S. 40:1796(A), relative to the regulation of firearms; to provide
3 relative to the authority of political subdivisions to regulate the sale, purchase,
4 possession, ownership, transfer, transportation, license, or registration of firearms;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1796(A) is hereby amended and reenacted to read as follows:

8 §1796. Preemption of state law

9 A. No governing authority of a political subdivision shall enact after July 15,
10 1985, any ordinance or regulation more restrictive than state law concerning in any
11 way the sale, purchase, possession, ownership, transfer, transportation, license, or
12 registration of firearms, ammunition, or components of firearms or ammunition;
13 however, this Section shall not apply to the levy and collection of sales and use
14 taxes, license fees and taxes and permit fees, ~~nor shall it affect the authority of~~
15 ~~political subdivisions to prohibit the possession of a weapon or firearm in certain~~
16 ~~commercial establishments and public buildings.~~

17 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 281 Original

2019 Regular Session

Miguez

Abstract: Provides relative to the authority of a political subdivision to enact regulations or ordinances related to firearms.

Present law limits a political subdivision's authority to enact certain ordinances or regulations involving firearms. In this regard, present law prohibits a governing authority of a political subdivision from enacting any ordinance or regulation that is more restrictive than state law concerning the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition.

However, present law further provides that this provision of present law does not apply to the authority of political subdivisions to prohibit the possession of a weapon or firearm in certain commercial establishments and public buildings.

Proposed law removes this exception from present law, prohibiting any governing authority of a political subdivision from enacting any ordinance or regulation that is more restrictive than state law concerning the possession of a weapon or firearm in certain commercial establishments and public buildings.

(Amends R.S. 40:1796(A))