

RÉSUMÉ DIGEST

ACT 325 (HB 781)

2020 Regular Session

Miguez

Prior law authorized the governor (R.S. 29:724 and 766), the parish president (R.S. 29:727), the chief executive officer of a municipality (R.S. 29:737), and the chief law enforcement officer of the political subdivision (R.S. 14:329.6) during a declared emergency, disaster, or public health emergency to suspend or limit the sale, dispensing, or transportation of firearms or combustibles.

Prior law (R.S. 29:730.3) further authorized the governor and the parish president during a declared disaster or emergency to issue a proclamation for evacuation or for the imposition of a curfew which may include the regulation and control of the possession, storage, display, sale, transport, and use of firearms and other dangerous weapons and ammunition.

New law removes the authority of the governor, the parish president, the chief executive officer of a municipality, and the chief law enforcement officer of the political subdivision from regulating the sale, dispensing, or transportation of firearms, and provides that the authority to regulate the sale, dispensing, or transportation of combustibles does not apply to those component parts of ammunition.

New law removes the authority for a proclamation for the imposition of a curfew to include the regulation and control of the possession, storage, display, sale, transport, and use of firearms and other dangerous weapons and ammunition.

Existing law authorizes the governor (R.S. 29:724 and 766) and parish presidents (R.S. 29:727), subject to applicable requirements for compensation, to commandeer or utilize any private property if he finds this necessary to cope with the disaster, emergency, or public health emergency.

New law provides that for these purposes private property does not include firearms, ammunition, or components of firearms or ammunition.

Existing law (R.S. 14:329.6 and R.S. 29:738) provides that the emergency powers of these individuals do not authorize the seizure or confiscation of any firearm or ammunition from any individual who is lawfully carrying or possessing the firearm or ammunition. However, existing law provides that a peace officer who is acting in the lawful discharge of the officer's official duties may disarm an individual if the officer reasonably believes it is immediately necessary for the protection of the officer or another individual.

New law adds that, as provided in the existing constitution, the right of each citizen to keep and bear arms is fundamental and shall not be infringed, and further provides that firearms and ammunition manufacturers, distributors, wholesalers, suppliers, and retailers and shooting ranges are essential businesses and operations for purposes of safety and security and shall not be prohibited or restricted from operating or conducting business during a declared disaster or emergency.

New law further provides that existing law (R.S. 29:738) provisions prohibiting the seizure of lawfully possessed firearms or ammunition, and the authority of law enforcement to disarm individuals under certain circumstances, during a declared emergency or disaster shall apply also to declared public health emergencies.

Effective Aug. 1, 2020.

(Amends R.S. 14:329.6(C), (G), and (H)(1) and R.S. 29:724(D)(4) and (6), 727(F)(4) and (8), 730.3(F), 737(B)(7), 738(A), 766(D)(4) and (8), and 772; Adds R.S. 14:329.6(H)(3) and R.S. 29:738(C); Repeals R.S. 14:329.6(A)(6))