
DIGEST

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HB 118 Engrossed

2021 Regular Session

Frieman

Abstract: Creates the Louisiana Firearm Protection Act; provides for definitions; provides relative to infringements on a citizen's right to keep and bear arms; provides for application of the Act; and specifies who has a right of action.

Proposed law provides definitions for the following terms: "detachable firearm magazine", "firearm", "firearm accessory", and "law-abiding citizen".

Proposed law provides that federal regulation infringes on a citizen's right to keep and bear arms when the following occurs, but is not limited to:

- (1) Any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services that may reasonably be expected to create a chilling effect on the purchase or ownership of those items by law-abiding citizens. Excise taxes collected pursuant to the Pittman-Robertson Wildlife Restoration Act (16 U.S.C. 669 et seq.) are excluded from this prohibition.
- (2) Any registering or tracking of firearms, firearm accessories, or ammunition that may reasonably be expected to create a chilling effect on the purchase or ownership of those items by law-abiding citizens.
- (3) Any registering or tracking of the owners of the firearms, firearm accessories, or ammunition that may reasonably be expected to create a chilling effect on the purchase or ownership of those items by law-abiding citizens.
- (4) Any act forbidding the possession, ownership, or use or transfer of a firearm, firearm accessory, or ammunition by law-abiding citizens.
- (5) Any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens.

Proposed law provides that federal action infringing upon a citizen's right to keep and bear arms shall be held invalid and of no effect in this state, regardless if enacted after Jan. 1, 2021.

Proposed law specifies that proposed law is applicable to the following:

- (1) The state of Louisiana, including any agency, department, commission, bureau, board, office,

council, court, or other entity that is in any branch of state government and is created by the constitution or a statute of this state, including a university system or a system of higher education.

- (2) The governing body of a municipality, parish, or special district or authority.
- (3) An officer, employee, or any person under the control of and is part of a municipality, parish, or special district or authority, including a sheriff, municipal police department, municipal attorney, or parish attorney.
- (4) A district attorney.

Proposed law prohibits entities and persons described in proposed law from the following when such regulation does not exist under La. law:

- (1) Adopting a rule, order, ordinance, or policy under which the entity explicitly or through consistent overt action enforces a federal regulation that purports to regulate a firearm, firearm accessory, or ammunition.
- (2) Participating in the enforcement of any federal regulation regarding a firearm, firearm accessory, or ammunition.
- (3) Utilizing any assets, state funds, or funds allocated by the state to local entities to engage in any activity that aids in federal regulation regarding a firearm, firearm accessory, or ammunition.

Proposed law provides that an entity or person who violates proposed law shall be liable to the injured party in an action at law or other proceeding for redress, and proposed law allows the court to award the prevailing party, other than the state or any political subdivision, reasonable attorney fees and costs.

Proposed law prohibits a political subdivision from receiving grant funds from the state if the political subdivision violates proposed law.

Proposed law further specifies that grant funds shall be denied for the fiscal year following the year in which the final judicial determination has been made in an action brought under proposed law determining that the entity has violated proposed law.

Proposed law specifies that an appeal of a suit brought under proposed law is governed by procedures for expedited appeals in civil cases pursuant to Rule 2-11.2 of the Uniform Rules of La. Courts of Appeals.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Adds R.S. 40:1813-1817)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Specify that a law-abiding citizen shall not be construed to include anyone who is not legally present in the U.S. or La.
3. Provide that all federal acts, laws, executive orders, administrative orders, court rules, and regulations enacted after Jan. 1, 2021, shall be held invalid and of no effect.