
DIGEST

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HB 62 Original

2024 Regular Session

McCormick

Abstract: Creates the "Second Amendment Preservation Act" and provides relative to infringements on the right to keep and bear arms.

Proposed law shall be known and may be cited as the "Second Amendment Preservation Act".

Proposed law provides for a statement of legislative intent.

Proposed law provides for definitions for the terms "law-abiding citizen", "material aid", "political subdivision", "public office", and "public officer".

Proposed law provides that no public office, public officer, employee, or political subdivision of La. shall enforce or attempt to enforce, give or attempt to give material aid to, or participate in the enforcement of any federal acts, executive orders, administrative orders, rules, regulations, statutes, or ordinances regarding firearms, firearm accessories, or ammunition against any law-abiding citizen.

Proposed law provides that any political subdivision or law enforcement agency that employs a law enforcement officer who knowingly violates the provisions of proposed law while acting under the color of any state or federal law, shall be civilly liable to the injured party and subject to a civil penalty of \$50,000 per occurrence.

Proposed law provides that any law-abiding citizen who is injured under proposed law shall have standing to bring an action for injunctive relief in the district court of the parish where the political subdivision or law enforcement agency is located. Further provides that the district court shall hold a preliminary injunction hearing within 30 days of service of the petition on the political subdivision or law enforcement agency.

Proposed law provides that In any action brought pursuant to proposed law, the court may award the prevailing party, other than the state or any political subdivision of the state, reasonable attorney fees and costs.

Proposed law provides that sovereign, official, or qualified immunity shall not be an affirmative defense in any action brought pursuant to proposed law.

Proposed law provides that a political subdivision or law enforcement agency shall be subject to a civil penalty of \$50,000 per employee hired if it knowingly employs an individual who is acting or who has previously acted as an official, agent, employee, or deputy of the government of the United

States, or otherwise if that individual acted under the color of federal law within the United States and knowingly commits any of the following acts against a law-abiding citizen on or after July 1, 2024:

- (1) The enforcement, attempt to enforce, or participation in the enforcement or implementation of any federal acts, executive orders, administrative orders, rules, regulations, statutes, or ordinances regarding firearms, firearm accessories, or ammunition.
- (2) The giving or providing, or attempts to give or provide, material aid or support to the efforts of another in the enforcement or implementation of any federal acts, executive orders, administrative orders, rules, regulations, statutes, or ordinances regarding firearms, firearm accessories, or ammunition.

Proposed law provides that any law-abiding citizen who resides or conducts business in a political subdivision of La. who believes that an individual has taken action that would violate the provisions of proposed law shall have standing to bring an action for injunctive relief in the district court of the parish where the political subdivision or law enforcement agency is located.

Proposed law provides that the district court shall hold a preliminary injunction hearing within 30 days of service of the petition on the political subdivision or law enforcement agency.

Proposed law provides that in any action brought pursuant to proposed law, the court may award the prevailing party, other than the state or any political subdivision of the state, reasonable attorney fees and costs.

Proposed law provides that sovereign, official, or qualified immunity shall not be an affirmative defense in such actions.

Proposed law provides for the following exceptions to proposed law:

- (1) Accepting federal assistance for the enforcement of the laws of La.
- (2) Assisting federal officials who are in pursuit of a suspect when there is a demonstrable criminal nexus with another state or country and such suspect is neither a citizen of La. nor is present in La.
- (3) Providing material aid for the federal prosecution of any felony violations of present law (Part II of Ch. 1 of Title 14 of the Revised La. Statutes of 1950) or any felony violations of present law (Part X of Ch. 4 of Title 40 of the Revised La. Statutes of 1950) pertaining to Schedule I or Schedule II controlled dangerous substances, provided that such weapons violations are ancillary to prosecution.

Proposed law provides for an effective date of July 1, 2024, and shall be applicable to offenses committed on and after such date.

(Adds R.S. 40:1813-1819)