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The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

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DIGEST

SB 194 Reengrossed

2024 Regular Session

Miguez

Present law (R.S. 40:1796) provides preemption of state law relative to the regulation of 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.

Proposed law prohibits a governing authority from enforcing any ordinance, order, regulation, policy, procedure, rule or any other form of executive or legislative action more restrictive than state law concerning in any way the manufacture, sale, purchase, possession, carrying, storage, ownership, taxation, transfer, transportation, license, or registration of firearms, ammunition, components of firearms or ammunition, firearms accessories, knives, edged weapons, or any combination thereof.

Present law specifies that present law does not apply to the levy and collection of sales and use taxes, license fees, and taxes and permit fees. Further provides that 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 as enumerated in present law.

Proposed law changes the present law prohibition of a political subdivision's authority to enact certain ordinances or regulations involving firearms from being applicable only to those ordinances and regulations enacted after July 15, 1985, to be applicable to any ordinance, rule, and regulation enacted or enforced.

Proposed law specifies that any existing ordinance, rule, or regulation shall be null and void, and of no effect.

Proposed law provides that a political subdivision shall repeal, rescind, or amend to conform, any ordinance, order, regulation, policy, procedure, rule, or any other form of executive or legislative action in violation of proposed law within six months after August 1, 2024.

Proposed law provides that a person or an organization whose membership is adversely affected by any ordinance, order, regulation, policy, procedure, rule, or any other form of executive or legislative action promulgated or caused to be enforced in violation of proposed law may file suit against an offending political subdivision in any court of this state having jurisdiction for declaratory and injunctive relief. A court shall award a prevailing plaintiff in any such suit:

- (1) Reasonable attorney fees and costs; and
- (2) Expert witness fees and expenses.

Effective August 1, 2024.

(Amends R.S. 40:1796)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Make technical changes.