

## SENATE SUMMARY OF HOUSE AMENDMENTS

SB 301

2024 Regular Session

Miguez

**KEYWORD AND SUMMARY AS RETURNED TO THE SENATE**

BANKS/BANKING. Provides for transactions involving firearms and ammunition retailers. (8/1/24)

**SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL**

1. Define the terms "covered entity" and "merchant category code" and use the terms accordingly throughout proposed law.
2. Remove the definitions and use of "customer", "financial institution", and "firearms code" from proposed law.
3. Amend the definitions of "ammunition", "payment card", and "payment card network".
4. Remove certain financial privacy exceptions and prohibitions.
5. Prohibit a payment card network from requiring or incentivizing the use or a merchant category code to distinguish firearm retailers from other retailers.
6. Prohibit a covered entity from assigning a merchant category code to distinguish firearm retailers from other retailers.
7. Remove exclusive authority of district attorneys to enforce the provisions of proposed law and leave exclusive authority with the attorney general.
8. Make technical changes.

**DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE**

SB 301 Reengrossed

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Proposed law provides for the creation of "The Second Amendment Financial Privacy Act".

Proposed law provides for definitions.

Proposed law provides that except for those records kept during the regular course of a criminal investigation and prosecution, or as otherwise required by law, no government entity or official, and no agent or employee of a governmental entity shall knowingly keep or cause to be kept any list, record, or registry of privately owned firearms or the owners of those firearms.

Proposed law provides that a payment card network shall not require or incentivize the use of a merchant category code in a manner that distinguishes a firearm retailer from other retailers.

Proposed law provides that no financial institution or agent of a financial institution shall decline a payment card transaction involving a firearms retailer based solely on assignment of a firearms code, except as provided in proposed law.

Proposed law provides that a covered entity shall not assign a firearm retailer a merchant category code that distinguishes the firearm retailer from other retailers.

Proposed law provides that the attorney general shall investigate reasonable allegations that a person or entity, including a government entity, has violated proposed law and, upon finding violation, provide written notice to the person or entity believed to have committed the violation.

Proposed law provides that if a person or entity does not cease the violation within 30 business days after receiving written notice from the attorney general pursuant to proposed law, the attorney general shall file an action against that person or entity to seek an injunction.

Proposed law provides that if the court finds that the person or entity violated proposed law and has not ceased the activity constituting the violation, the court shall enjoin the person or entity from continuing such activity and shall award attorney fees, court costs, and any other relief as the court considers appropriate.

Proposed law provides that if a person or entity purposely fails to comply with an injunction issued under proposed law after 30 business days of being served with the injunction, the attorney general, upon petition to the court, shall seek to impose on that person or entity a civil fine in an amount not to exceed \$1,000 per violation. In assessing the fine, the court shall consider factors, including the financial resources of the violator and the harm or risk of harm to the rights under proposed law.

Proposed law provides that any order assessing a civil fine pursuant to proposed law shall be stayed pending appeal of the order.

Proposed law provides that the attorney general has exclusive authority to enforce proposed law. The remedies set forth in proposed law are the exclusive remedies for any violation of proposed law.

Proposed law provides that it shall be a defense to a proceeding initiated pursuant to proposed law that a firearms code was required to be disclosed or assigned by law.

Effective August 1, 2024.

(Adds R.S. 51:3300-3303)

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