

Regular Session, 2013

HOUSE BILL NO. 141

BY REPRESENTATIVE BADON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/FIREARMS: Creates the crime of unlawful sales of firearms

1 AN ACT

2 To enact R.S. 14:95.1.4, relative to the purchase of firearms; to create the crime of unlawful  
3 sales of firearms; to provide for criminal penalties; to provide for verification of  
4 completion of a firearms safety or training course; to provide for a limitation of  
5 liability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95.1.4 is hereby enacted to read as follows:

8 §95.1.4. Unlawful sale of firearms

9 A. It shall be unlawful for the holder of a Federal Firearms License to sell  
10 any firearm without verification that the purchaser has completed a firearms safety  
11 or training course as provided for in Subsection B of this Section.

12 B. A purchaser shall verify that he has completed a firearms safety or  
13 training course by any of the following:

14 (1) Completion of any National Rifle Association firearms safety or training  
15 course conducted by a National Rifle Association certified instructor.

16 (2) Completion of any Department of Public Safety and Corrections  
17 approved firearms safety or training course or class available to the general public  
18 offered by a law enforcement agency, college, private or public institution,  
19 organization, or firearms training school.

1           (3) Completion of any law enforcement firearms safety or training course or  
2           class approved by the Department of Public Safety and Corrections and offered for  
3           correctional officers, investigators, special deputies, or any division or subdivision  
4           of law enforcement or security enforcement.

5           (4) Completion of any firearms safety or training course approved by the  
6           Department of Public Safety and Corrections.

7           (5) Completion of a law enforcement training academy program certified by  
8           the Council on Peace Officer Standards and Training; however, any person retired  
9           from full-time service as a Louisiana peace officer need only demonstrate that he  
10          was properly certified by the Council on Peace Officer Standards and Training at the  
11          time of retirement.

12          (6) Completion of a firearm and hunter education course approved by the  
13          Department of Wildlife and Fisheries and authorized pursuant to the provisions of  
14          R.S. 56:699.5.

15          (7) Completion of arms training while serving with the armed forces of the  
16          United States or the national guard.

17          (8) Possession of a current permit to carry a concealed handgun issued  
18          pursuant to the provisions of R.S. 40:1379.3.

19          C.(1) A photocopy of a certificate of completion of any of the courses or  
20          classes, an affidavit from the instructor, school, organization, or entity that conducted  
21          or taught the course or class attesting to the completion of the course or class by the  
22          purchaser, or a copy of any document which shows completion of the course shall  
23          constitute evidence of qualification pursuant to Subsection B of this Section. Such  
24          proof shall be deemed to satisfy the requirements of this Section regardless of when  
25          the training or safety course was completed.

26          (2) It shall be illegal to intentionally present false, fraudulent, altered, or  
27          counterfeit documents to prove training in firearms in order to purchase a firearm.

28          D.(1) Whoever violates the provisions of this Section by intentionally selling  
29          a firearm to a person who does not meet the criteria provided for in Subsection B of

1        this Section shall be fined not more than five hundred dollars for a first offense, and  
2        not more than one thousand dollars for a second or subsequent offense.

3                (2) Whoever violates the provisions of this Section by intentionally  
4        presenting false, fraudulent, altered, or counterfeit documents to prove training in  
5        firearms in order to purchase a firearm shall be fined not more than one thousand  
6        dollars, imprisoned for not more than six months, or both. In addition, no person  
7        convicted of a violation of this Paragraph shall be eligible to purchase a firearm.

8                E. No Federal Firearms Licensee shall be liable for acts committed by the  
9        purchaser, unless the seller had actual knowledge at the time of the purchase that the  
10       purchaser was ineligible to purchase the firearm pursuant to the provisions of this  
11       Section.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Badon

HB No. 141

**Abstract:** Creates the crime of unlawful sale of firearms and provides for criminal penalties.

Proposed law provides that it shall be unlawful for the holder of a Federal Firearms License to sell any firearm without verification that the purchaser has completed a firearms safety or training course. Provides criminal penalties for intentionally selling a firearm to a person who does not meet the criteria provided for in proposed law, including a fine of not more than \$500 for a first offense and not more than \$1,000 for a second or subsequent offense.

Proposed law provides for several methods by which the purchaser can verify that he has completed a firearms safety or training course.

Proposed law provides that a photocopy of a certificate of completion of any of the courses or classes, an affidavit from the instructor, or a copy of any document which shows completion of the course shall constitute evidence of qualification of completion of a firearms safety or training course.

Proposed law provides that it shall be illegal to intentionally present false, fraudulent, altered, or counterfeit documents to prove training in firearms in order to purchase a firearm. Provides criminal penalties of a fine of not more than \$1,000, imprisonment for not more than six months, or both.

Proposed law provides that no seller of firearms shall be liable for acts committed by the purchaser, unless the seller had actual knowledge at the time of the purchase that the purchaser was ineligible to purchase the firearm.

(Adds R.S. 14:95.1.4)