

Regular Session, 2013

HOUSE BILL NO. 277

BY REPRESENTATIVE LAMBERT

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

WEAPONS/FIREARMS: Repeals provisions of law regarding the possession and transfer of certain firearms

1 AN ACT

2 To amend and reenact R.S. 40:1785 and to repeal R.S. 40:1783, 1784, 1786 and 1787,
3 relative to the possession and transfer of certain firearms; to repeal certain provisions
4 of law regarding the possession and transfer of certain firearms; to repeal registration
5 requirements to possess or transfer certain types of firearms; to provide with respect
6 to the possession of certain unregistered firearms; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1785 is hereby amended and reenacted to read as follows:

9 §1785. Possession or dealing in unregistered or illegally transferred weapons

10 No person shall receive, possess, carry, conceal, buy, sell, or transport any
11 firearm which has not been registered or transferred in accordance with ~~this Part~~,
12 Title 18 or Title 26 of the United States Code as applicable.

13 Section 2. R.S. 40:1783, 1784, 1786, and 1787 are hereby repealed in their entirety.

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)]

Lambert

HB No. 277

Abstract: Repeals provisions requiring the prior approval of the Dept. of Public Safety and Corrections for the possession and transfer of certain types of firearms.

For purposes of certain provisions of law governing the transfer of weapons, present law defines "firearm" as a shotgun having a barrel of less than 18 inches in length; a rifle having a barrel of less than 16 inches in length; any weapon made from either a rifle or a shotgun if the weapon has been modified to have an overall length of less than 26 inches; any other firearm, pistol, revolver, or shotgun from which the serial number or mark of identification has been obliterated, from which a shot is discharged by an explosive, if that weapon is

capable of being concealed on the person; or a machine gun, grenade launcher, flame thrower, bazooka, rocket launcher, excluding black powder weapons, or gas grenade; and includes a muffler or silencer for any firearm, whether or not the firearm is included within this definition. Further provides that pistols, revolvers, and those rifles and shotguns which are not included in this definition of firearms from which serial numbers or marks of identification have not been obliterated are specifically exempt from this definition.

Present federal law provisions (26 U.S.C. 5812) and regulations of the Federal Bureau of Alcohol Tobacco and Firearms (ATF Form 4) require both federal and local law enforcement approval as part of the federal requirements to transfer a firearm. Present law requires the same approval resulting in similar or identical information being collected on both a state and federal level to transfer certain firearms.

Present law prohibits the possession or transfer of a certain type of firearm without prior approval of DPS&C. Provides that when a person transfers ownership of a certain type of firearm, as defined in present law, the transferor and transferee must submit an application to DPS&C to effectuate the transfer. Provides for the seizure and forfeiture of firearms possessed or transferred in violation of present law.

Proposed law repeals present law.

Present law provides that no person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with present law.

Proposed law changes present law to prohibit the possession and purchase of firearms which have not been registered or transferred in accordance with federal present law.

(Amends R.S. 40:1785; Repeals R.S. 40:1783, 1784, 1786, and 1787)

Summary of Amendments Adopted by House

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

1. Repealed additional provisions of law which were duplicative of federal provisions.

House Floor Amendments to the engrossed bill.

1. Amended present law crime involving unregistered or illegally transferred weapons to apply to a firearm which has not been registered or transferred in accordance with federal law.