

2020 Regular Session

HOUSE BILL NO. 140

BY REPRESENTATIVES MIGUEZ, AMEDEE, BACALA, BEAULLIEU, BOURRIAQUE, BUTLER, CARRIER, CORMIER, CREWS, DEVILLIER, DESHOTEL, DUBUISSON, ECHOLS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FONTENOT, FRIEMAN, GADBERRY, GAROFALO, GOUDEAU, HARRIS, HODGES, HORTON, HUVAL, IVEY, MIKE JOHNSON, TRAVIS JOHNSON, MCCORMICK, MCFARLAND, MCKNIGHT, MINCEY, CHARLES OWEN, ROBERT OWEN, PRESSLY, RISER, ROMERO, SCHAMERHORN, SEABAUGH, STEFANSKI, TURNER, WHEAT, AND WRIGHT

WEAPONS: Provides relative to the preemption of state law for firearms

1 AN ACT

2 To amend and reenact R.S. 40:1796(A), relative to the regulation of firearms; to provide
3 relative to the authority of political subdivisions to regulate the sale, purchase,
4 possession, ownership, transfer, transportation, license, or registration of firearms;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1796(A) is hereby amended and reenacted to read as follows:

8 §1796. Preemption of state law

9 A. No governing authority of a political subdivision shall enact after July 15,
10 1985, any ordinance or regulation more restrictive than state law concerning in any
11 way the sale, purchase, possession, ownership, transfer, transportation, license, or
12 registration of firearms, ammunition, or components of firearms or ammunition;
13 however, this Section shall not apply to the levy and collection of sales and use
14 taxes, license fees and taxes and permit fees, nor shall it affect the authority of
15 political subdivisions to prohibit the possession of a weapon or firearm in ~~certain~~ the
16 commercial establishments and public buildings enumerated in R.S. 40:1379.3(N).

17 * * *

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)]

HB 140 Reengrossed

2020 Regular Session

Miguez

Abstract: Provides relative to the authority of a political subdivision to enact regulations or ordinances related to firearms.

Present law (R.S. 40:1796) 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.

However, present law (R.S. 40:1796) further provides that this provision of 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.

Proposed law amends present law to provide that a political subdivision may only prohibit the possession of a weapon or firearm in the commercial establishments and public buildings enumerated in the present law (R.S. 40:1379.3(N)) list of places where a concealed handgun permit holder is prohibited from carrying a concealed handgun, including but not limited to law enforcement offices, stations, or buildings, detention facilities, courthouses, meeting places of a governing authority, and the state capitol building.

(Amends R.S. 40:1796(A))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Restore the present law authority of a political subdivision to prohibit the possession of firearms in certain commercial establishments and public buildings, but limits the authority to only such places enumerated in the present law list of places where a concealed handgun permit holder is prohibited from carrying a concealed handgun.