

Regular Session, 2014

HOUSE BILL NO. 279

BY REPRESENTATIVE IVEY

WEAPONS/FIREARMS: Requires certain law enforcement officers to take action on request to purchase firearms

1 AN ACT

2 To enact R.S. 40:1789.1, relative to the possession and transfer of certain firearms; to  
3 require law enforcement officers to take action on applications for weapons transfers  
4 within a specified time period; to provide for definitions; to provide for immunity;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1789.1 is hereby enacted to read as follows:

8 §1789.1. Certification to transfer firearms; law enforcement requirement

9 A. When a sheriff or chief law enforcement officer's certification is required  
10 by federal law for the transfer of a firearm, the sheriff or chief law enforcement  
11 officer shall provide that certification within fifteen days of receipt of the request for  
12 certification if the purchaser is not prohibited from possessing or purchasing the  
13 firearm under state law. If the sheriff or chief law enforcement officer determines  
14 that the person is prohibited from purchasing or possessing the firearm, he shall send  
15 written notification to the person that the certification is denied within fifteen days  
16 of receipt of the request.

17 B. For the purposes of this Section:

1                   (1) "Certification" means the participation and assent of the sheriff or chief  
 2                   law enforcement officer necessary pursuant to federal law for the approval of the  
 3                   application to transfer a firearm.

4                   (2) "Sheriff or chief law enforcement officer" means the sheriff or chief law  
 5                   enforcement officer having jurisdiction where the applicant to transfer the firearm  
 6                   resides.

7                   C. The sheriff or chief law enforcement officer and his employees who act  
 8                   in good faith are immune from liability arising from any act or omission in  
 9                   completing a certification required by the provisions of this 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)]

Ivey

HB No. 279

**Abstract:** Requires certain law enforcement officials to take action on requests for weapons transfers.

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.

Proposed law retains present law and requires law enforcement to act upon applications for weapons transfers within 15 days of receipt of the request by either completing the certification or by providing written notice that the certification is denied.

Proposed law provides for immunity for the sheriff or chief law enforcement officer or his employees from any act or omission in signing the required documents.

(Adds R.S. 40:1789.1)