

2018 Regular Session

SENATE BILL NO. 383

BY SENATOR CARTER

GOVERNMENTAL REGULATIONS. Provides for the sale and monitoring of ammunition for use in a firearm. (8/1/18)

1 AN ACT  
2 To enact Part V of Chapter 9 of Title 40 of the Louisiana Revised Statutes of 1950, to be  
3 comprised of 40:1821.1 through 1821.9, relative to ammunition for use in firearms;  
4 to provide for definitions; to provide for the production of a photo identification prior  
5 to the purchase of ammunition; to require the purchaser sign a log book prior to the  
6 purchase of ammunition; to provide for a central computer monitoring system to  
7 monitor the purchase of ammunition for use in a firearm; to provide for the  
8 acquisition and implementation of the central computer monitoring system; to  
9 provide for the access to information contained in the central computer monitoring  
10 system; to provide for the sharing of that information by certain agencies; to provide  
11 with respect to funding for the central computer monitoring system; to provide for  
12 legislative findings; to provide for a limitation of liability; and to provide for related  
13 matters.

14 Be it enacted by the Legislature of Louisiana:

15 Section 1. Part V of Chapter 9 of Title 40 of the Louisiana Revised Statutes of 1950,  
16 comprised of R.S. 40:1821.1 through 1821.9, is hereby enacted to read as follows:

17 **PART V. LAW ENFORCEMENT AMMUNITION TRACKING ACT**

1           **§1821.1. Short title**

2                   **This Part may be referred to and may be cited as the "Law Enforcement**  
3           **Ammunition Tracking Act".**

4           **§1821.2. Legislative findings**

5                   **A. The Louisiana Legislature recognizes the devastating effect firearms**  
6           **have had on its citizens.**

7                   **B. The Legislature of Louisiana hereby finds and declares that a retail**  
8           **or specialty store, which sells ammunition, is in the unique position of selling**  
9           **ammunition for use in a firearm and interacting with the consumer at the point**  
10          **of purchase of these products. This relationship with the consumer and the**  
11          **retail or specialty clerk's specialized knowledge about firearms and the**  
12          **ammunition make the retail or specialty store the best location for the sale of**  
13          **ammunition products to ensure the health and safety of Louisiana's citizens.**

14                  **C. The Louisiana Legislature, in enacting the provisions of this Act, seeks**  
15          **to provide for the legitimate safety needs of our citizens while at the same time**  
16          **protecting our citizens against the devastating effects of gun violence.**

17                  **D. In order to assist law enforcement and prosecutorial agencies in**  
18          **addressing the growing problems associated with gun violence a real time**  
19          **electronic database is needed to record purchases of ammunition at a retail or**  
20          **specialty store.**

21                  **E. Technology is available to record all purchases of ammunition at the**  
22          **point of sale and to transmit that information to a centralized location to be**  
23          **monitored and maintained in a central computer monitoring system operated**  
24          **by the Louisiana State Police.**

25          **§1821.3. Definitions**

26                  **For the purpose of this Part, the following terms have the meanings**  
27          **ascribed to them in this Section:**

28                  **(1) "Department" means the Department of Public Safety and**  
29          **Corrections.**

1           (2) "Employee" means a person employed by a retail store or a specialty  
2           store for a specific salary or wage.

3           (3) "Firearm" means any pistol, revolver, rifle, a rifle having a barrel of  
4           less than sixteen inches in length, shotgun, a shotgun having a barrel of less than  
5           eighteen inches in length, machine gun, submachine gun, black powder weapon,  
6           and assault rifle which is designed to fire or is capable of firing fixed cartridge  
7           ammunition or from which a shot or projectile is discharged by an explosive.

8           (4) "Owner" means any person not a manufacturer or importer engaged  
9           in this state in the business of selling any firearm or ammunition for use in a  
10           firearm at a specialty store. The term includes wholesalers, pawnbrokers, and  
11           other persons dealing in new or used firearms.

12           (5) "Retail store" means an entity licensed to do business in the state that  
13           sells goods such as firearms and ammunition for use in firearms directly to  
14           consumers with the goal of earning a profit.

15           (6) "Sale" includes the transfer, assignment, pledge, lease, loan, gift, or  
16           other disposition of any firearm.

17           (7) "Specialty store" means an entity licensed to do business in the state  
18           that offers unique firearms or a large number of firearms and ammunition for  
19           use in firearms, for sale directly to consumers with the goal of earning a profit.

20           §1821.4. Restriction on the sale of ammunition for use in a firearm

21           A.(1) Ammunition for use in a firearm shall not be sold, or distributed  
22           by a retail or specialty store which sells ammunition to any person unless the  
23           following occur:

24           (a) The purchaser produces a federal or state issued photo identification,  
25           or a document that, with respect to identification, is considered acceptable for  
26           purposes of Sections 274a.2(b)(1)(v)(A) and 274a.2(b)(1)(v)(B) of Title 8, Code  
27           of Federal Regulations (as in effect on or after March 9, 2006).

28           (b) The purchaser signs a written or electronic log or receipt showing the  
29           date of the transaction, the name of the purchaser, and the amount of

1 **ammunition sold.**

2 **(c) The transaction information is recorded by the retail or specialty**  
3 **store and transmitted to the central computer monitoring system as provided**  
4 **for in this Part and the National Crime Information System.**

5 **B. A retail or specialty store employee selling or distributing ammunition**  
6 **shall be exempt from the rules relative to the record keeping requirements for**  
7 **the sale of ammunition; however, the store employee shall record the**  
8 **transaction information and transmit it to the central computer monitoring**  
9 **system as provided for in this Part.**

10 **C.(1) The requirements of this Section shall not apply to any federal,**  
11 **state, or local governmental agency, department, or office with law enforcement**  
12 **authority who purchase ammunition for use in the scope and duty of**  
13 **employment.**

14 **(2) The requirements of this Section shall apply only to individual**  
15 **consumers who purchase ammunition for use in a firearm.**

16 **D. A law enforcement officer may obtain a search warrant, from a court**  
17 **of competent jurisdiction, to inspect the written logs or receipts maintained at**  
18 **a retail/specialty store pursuant to the provisions of this Section.**

19 **E. A parish or municipal government authority may regulate the selling,**  
20 **delivering, or providing of ammunition for use in a firearm only in a manner**  
21 **that is not more or less restrictive than regulation by the state under this**  
22 **Section.**

23 **§1821.5. Central computer monitoring system; system requirements**

24 **A. In order to facilitate the monitoring of sales of ammunition for use in**  
25 **a firearm, the retail or specialty store employee shall record all of the following**  
26 **information at the point of sale regarding the transaction:**

27 **(1) The date of the transaction.**

28 **(2) The name and address of the purchaser verified through photo**  
29 **identification of the purchaser.**

1           (3) The name and quantity of ammunition purchased, received, or  
2 otherwise acquired.

3           B. Upon recordation of the transaction information, the retail or  
4 specialty store shall transmit the information immediately to a central computer  
5 system for purposes of monitoring the sales of ammunition as provided for in  
6 this Section and to the National Crime Information System.

7           C. The central computer system authorized by the provisions of this  
8 Section shall be designed and operated to allow the monitoring and reading of  
9 sales information regarding ammunition at the point of sale instantly and on a  
10 real time basis.

11           D. The central computer system authorized by the provisions of this  
12 Section shall be located within and administered by the Department of Public  
13 Safety and Corrections, office of state police.

14           E. The central computer monitoring system shall provide for the  
15 monitoring of sales of ammunition for use in a firearm and shall be capable of  
16 providing an online computer alert, to ensure direct scrutiny of conditions  
17 which would violate the provisions of this Part by law enforcement.

18           F. The provisions of this Part shall not be construed to require that any  
19 retail or specialty store maintain the transaction records required under the  
20 provisions of this Part separate from any other log book that may be required  
21 under federal law. Use of the central computer monitoring system as required  
22 by this Part shall be deemed to satisfy both of these purposes.

23 §1821.6. Funding sources; no fees on retail or specialty stores

24           A. Funding for the acquisition, implementation, and operation of the  
25 central computer monitoring system shall be funded through appropriation,  
26 gifts, grants, donations, or any other funding sources not otherwise prohibited  
27 by law.

28           B. Thereafter, the maintenance of the central computer monitoring  
29 system shall be funded through appropriation, gifts, grants, donations, or any

1 other funding sources not otherwise prohibited by law.

2 C. The Department of Public Safety and Corrections, office of state  
3 police, and the Louisiana Sheriffs' Association may actively seek gifts, grants,  
4 and donations that may be available through the federal government or other  
5 sources to help fund the central computer monitoring system, provided that  
6 such gifts, grants, and donations are not otherwise prohibited by law or rule.

7 D. No fee shall be charged to any retail or specialty store to defray the  
8 costs of acquiring, implementing, or maintaining the central computer  
9 monitoring system as authorized by the provisions of this Part, nor shall any fee  
10 be charged to any retail or specialty store for the transmission of information  
11 to the central computer monitoring system.

12 §1821.7. Shared information; state police; sheriffs

13 A. The Department of Public Safety and Corrections, office of state  
14 police, shall share the information regarding the sale of ammunition as  
15 authorized by the provisions of this Part and provide instant access to the  
16 Louisiana Sheriffs' Association and the National Crime Information System.

17 B. The Department of Public Safety and Corrections, office of state  
18 police, is authorized to enter into a cooperative endeavor agreement,  
19 memorandum of understanding, contract, or any other agreement with the  
20 Louisiana Sheriffs' Association, or any other law enforcement agency, in order  
21 to share the information regarding the sale of ammunition as authorized by the  
22 provisions of this Part and to provide instant access to all appropriate law  
23 enforcement agencies.

24 §1821.8. Transmission of information contingent on functionality of central  
25 computer monitoring system

26 A. The transmittal of transaction information of ammunition as  
27 authorized by the provisions of this Part is contingent upon the acquisition,  
28 implementation, and operation of the central computer monitoring system.

29 B. No retail or specialty store employee at a retail or specialty store,

1 which sells ammunition for use in a firearm, located in Louisiana shall be  
 2 required to transmit data to the central computer monitoring system until the  
 3 funding for the acquisition and implementation of the central computer  
 4 monitoring system has been funded through appropriation, gifts, grants,  
 5 donations, or any other funding sources not otherwise prohibited by law.

6 C. No retail or specialty store or employee at a retail or specialty store,  
 7 which sells ammunition for use in a firearm, located in Louisiana shall be held  
 8 responsible for failure to transmit transaction information as required by this  
 9 Part if at any time the central computer monitoring system is rendered  
 10 inoperable due to natural disaster, tampering, or any other reason.

11 §1821.9. Limitation of liability

12 No owner, operator, or employee of a retail or specialty store, which sells  
 13 ammunition for use in a firearm, located in Louisiana shall be personally liable  
 14 for any act or omission resulting in damage, injury, or loss arising out of the  
 15 selling of ammunition and the transmittal of that transaction to the central  
 16 computer monitoring program as authorized by the provisions of this Part;  
 17 however, this limitation of liability shall not be applicable if the damage, injury,  
 18 or loss was caused by the gross negligence or willful or wanton misconduct of  
 19 the owner, operator, or employee of the retail or specialty store.

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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DIGEST

SB 383 Original                      2018 Regular Session                      Carter

Proposed law creates the "Law Enforcement Ammunition Tracking Act".

Proposed law provides for the following definitions:

- (1) "Department" means the Department of Public Safety and Corrections.
- (2) "Employee" means a person employed by a retail store or a specialty store for a specific salary or wage.
- (3) "Firearm" means any pistol, revolver, rifle, a rifle having a barrel of less than sixteen inches in length, shotgun, a shotgun having a barrel of less than eighteen inches in length, machine gun, submachine gun, black powder weapon, and assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which

a shot or projectile is discharged by an explosive.

- (4) "Owner" means any person not a manufacturer or importer engaged in this state in the business of selling any firearm or ammunition for use in a firearm at a specialty store. The term includes wholesalers, pawnbrokers, and other persons dealing in new or used firearms.
- (5) "Retail store" means an entity licensed to do business in the state that sells goods such as firearms and ammunition for use in firearms directly to consumers with the goal of earning a profit.
- (6) "Sale" includes the transfer, assignment, pledge, lease, loan, gift, or other disposition of any firearm.
- (7) "Specialty store" means an entity licensed to do business in the state that offers unique firearms or a large number of firearms and ammunition for use in firearms, for sale directly to consumers with the goal of earning a profit.

Proposed law requires the following when purchasing ammunition for use in a firearm:

- (1) The purchaser produces a federal or state issued photo identification, or a document that, with respect to identification.
- (2) The purchaser signs a written or electronic log or receipt showing the date of the transaction, the name of the purchaser, and the amount of ammunition sold.
- (3) The transaction information is recorded by the retail or specialty store and transmitted to the central computer monitoring system as provided for in proposed law and the National Crime Information System.

Proposed law exempts any federal, state, or local governmental agency, department or office with law enforcement authority who purchase ammunition for use in the scope and duty of employment.

Proposed law provides for the following to be recorded to facilitate the monitoring of sales of ammunition for use in a firearm:

- (1) The date of the transaction.
- (2) The name and address of the purchaser verified through photo identification of the purchaser.
- (3) The name and quantity of ammunition purchased, received, or otherwise acquired.

Proposed law provides that upon recordation of the transaction information, the retail or specialty store shall transmit the information immediately to a central computer system for purposes of monitoring the sales of ammunition with local law enforcement authorities and to the National Crime Information System. Proposed law further provides for the central computer system authorized by proposed law to be designed and operated to allow the monitoring and reading of sales information regarding ammunition at the point of sale instantly and on a real time basis.

Proposed law provides that funding for the acquisition, implementation, and operation of the central computer monitoring system shall be funded through appropriation, gifts, grants, donations, or any other funding sources not otherwise prohibited by law.

Proposed law provides that the Department of Public Safety and Corrections, office of state police, and the Louisiana Sheriffs' Association may actively seek gifts, grants, and donations

that may be available through the federal government or other sources to help fund the central computer monitoring system, provided that such gifts, grants, and donations are not otherwise prohibited by law or rule.

Proposed law provides for the Department of Public Safety and Corrections, office of state police to share the information regarding the sale of ammunition as authorized by the provisions of proposed law and provide instant access to the Louisiana Sheriffs' Association and the National Crime Information System.

Proposed law provides that no employee at a retail or specialty store, which sells ammunition for use in a firearm, located in Louisiana shall be held responsible for failure to transmit transaction information as required by proposed law if at any time the central computer monitoring system is rendered inoperable due to natural disaster, tampering, or any other reason.

Proposed law provides that no owner, operator, or employee of a retail or specialty store, which sells ammunition for use in a firearm, shall be personally liable for any act or omission resulting in damage, injury, or loss arising out of the selling of ammunition and the transmittal of that transaction to the central computer monitoring program as authorized by the provisions of proposed law; however, this limitation of liability is not applicable if the damage, injury, or loss was caused by the gross negligence or willful or wanton misconduct of the owner, operator, or employee of the retail or specialty store.

Effective August 1, 2018.

(Adds R.S. 40:1821.1 - 1821.9)