

2020 Regular Session

HOUSE BILL NO. 781

BY REPRESENTATIVES MIGUEZ, AMEDEE, BACALA, BEAULLIEU, BUTLER, CARRIER, ROBBY CARTER, CORMIER, COUSSAN, DESHOTEL, DEVILLIER, DUBUISSON, EDMONDS, EDMONSTON, EMERSON, FARNUM, FIRMENT, FRIEMAN, GAROFALO, HARRIS, HORTON, MIKE JOHNSON, TRAVIS JOHNSON, MCCORMICK, MCKNIGHT, MINCEY, CHARLES OWEN, ROBERT OWEN, RISER, ROMERO, SCHAMERHORN, THOMAS, WHEAT, AND WRIGHT

1 AN ACT

2 To amend and reenact R.S. 14:329.6(C), (G), and (H)(1) and R.S. 29:724(D)(4) and (6),  
3 727(F)(4) and (8), 730.3(F), 737(B)(7), 738(A), 766(D)(4) and (8), and 772, to enact  
4 R.S. 14:329.6(H)(3) and R.S. 29:738(C), and to repeal R.S. 14:329.6(A)(6), relative  
5 to the regulation of firearms and ammunition during a declared emergency or  
6 disaster or public health emergency; to declare certain firearm- and ammunition-  
7 related businesses as essential; to provide relative to the authority to regulate the  
8 manufacture, sale, and possession of firearms and ammunition during a declared  
9 emergency or disaster or public health emergency; to provide relative to the authority  
10 of firearm- and ammunition-related businesses to operate during a declared  
11 emergency or disaster or public health emergency; to provide relative to the authority  
12 of certain officials to regulate with respect to firearms and ammunition during a  
13 declared emergency or disaster or public health emergency; and to provide for  
14 related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. R.S. 14:329.6(C), (G), and (H)(1) are hereby amended and reenacted and  
17 R.S. 14:329.6(H)(3) is hereby enacted to read as follows:

18 §329.6. Proclamation of state of emergency; conditions therefor; effect thereof

19 \* \* \*

1 C. All orders promulgated pursuant to this ~~section~~ Section shall be executed  
2 in triplicate and shall be filed with the clerk of court of the parish affected and with  
3 the secretary of state of this state.

4 \* \* \*

5 G. As used in this Section:

6 (1) "Disaster" shall have the same meaning as provided in ~~R.S. 29:723(1)~~  
7 R.S. 29:723.

8 (2) "Emergency" shall have the same meaning as provided in ~~R.S. 29:723(2)~~  
9 R.S. 29:723.

10 H.(1) The right of each citizen to keep and bear arms is fundamental and  
11 shall not be infringed. Nothing in this Section shall authorize the seizure or  
12 confiscation of any firearm or ammunition from any individual who is lawfully  
13 carrying or possessing the firearm or ammunition except as provided in Paragraph  
14 (2) of this Subsection.

15 \* \* \*

16 (3) Firearms and ammunition manufacturers, distributors, wholesalers,  
17 suppliers, and retailers and shooting ranges are essential businesses and operations  
18 for purposes of safety and security and shall not be prohibited or restricted from  
19 operating or conducting business during a declared emergency or disaster.

20 Section 2. R.S. 29:724(D)(4) and (6), 727(F)(4) and (8), 730.3(F), 737(B)(7),  
21 738(A), 766(D)(4) and (8), and 772 are hereby amended and reenacted and R.S. 29:738(C)  
22 is hereby enacted to read as follows:

23 §724. Powers of the governor

24 \* \* \*

25 D. In addition to any other powers conferred upon the governor by law, he  
26 may do any or all of the following:

27 \* \* \*

28 (4) Subject to any applicable requirements for compensation, commandeer  
29 or utilize any private property if he finds this necessary to cope with the disaster or

1 emergency. For purposes of this Paragraph, private property does not include  
2 firearms, ammunition, or components of firearms or ammunition.

3 \* \* \*

4 (6) Suspend or limit the sale, dispensing, or transportation of alcoholic  
5 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of  
6 firearm ammunition.

7 \* \* \*

8 §727. Powers of the parish president; penalties for violations

9 \* \* \*

10 F. In addition to any other powers conferred upon the parish president by the  
11 constitution, laws, or by a home rule charter or plan of government, such authority  
12 may do any or all of the following:

13 \* \* \*

14 (4) Subject to any applicable requirements for compensation, commandeer  
15 or utilize any private property if he finds this necessary to cope with the local  
16 disaster. For purposes of this Paragraph, private property does not include firearms,  
17 ammunition, or components of firearms or ammunition.

18 \* \* \*

19 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic  
20 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of  
21 firearm ammunition.

22 \* \* \*

23 §730.3. Evacuations and curfews

24 \* \* \*

25 F. During a declared disaster or state of emergency, the parish president may  
26 in the proclamation for evacuation or a separate proclamation impose a curfew  
27 prohibiting anyone who is not designated as essential workforce or critical workforce  
28 to be on a public street or place. The curfew may be for the entire parish or for  
29 certain areas of the parish, and the curfew may be for an unlimited period of time or  
30 may be for certain periods of time during each twenty-four-hour period. The

1 proclamation shall specify the geographical area or areas and the period during each  
 2 twenty-four-hour period to which the curfew applies. The proclamation imposing  
 3 a curfew may regulate and close places of amusement and assembly; and prohibit the  
 4 sale and distribution of alcoholic beverages, and regulate and control, subject to the  
 5 provisions of R.S. 29:738, the possession, storage, display, sale, transport, and use  
 6 of firearms and other dangerous weapons and ammunition.

7 \* \* \*

8 §737. Municipalities; authority to respond to emergencies

9 \* \* \*

10 B. As used in this Section, "emergency response measures" includes, but is  
 11 not limited to, any or all of the following:

12 \* \* \*

13 (7) Suspending or limiting the sale, dispensing, or transportation of alcoholic  
 14 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of  
 15 firearm ammunition.

16 \* \* \*

17 §738. Emergency powers do not extend to confiscation or seizure of lawfully  
 18 possessed or used firearms, weapons, or ammunition; exceptions

19 A. The right of each citizen to keep and bear arms is fundamental and shall  
 20 not be infringed. Nothing in this Chapter shall authorize the seizure or confiscation  
 21 of any firearm or ammunition from any individual who is lawfully carrying or  
 22 possessing the firearm or ammunition except as provided in Subsection B of this  
 23 Section.

24 \* \* \*

25 C. Firearms and ammunition manufacturers, distributors, wholesalers,  
 26 suppliers, and retailers and shooting ranges are essential businesses and operations  
 27 for purposes of safety and security and shall not be prohibited or restricted from  
 28 operating or conducting business during a declared emergency or disaster.

29 \* \* \*

1 §766. Declaration of a state of public health emergency

2 \* \* \*

3 D. Emergency powers.

4 During a state of public health emergency, in addition to any powers  
5 conferred upon the governor by law, he may do any or all of the following:

6 \* \* \*

7 (4) Subject to any applicable requirements for compensation, commandeer  
8 or utilize any private property if he finds this necessary to cope with the disaster or  
9 emergency. For purposes of this Paragraph, private property does not include  
10 firearms, ammunition, or components of firearms or ammunition.

11 \* \* \*

12 (8) Suspend or limit the sale, dispensing, or transportation of alcoholic  
13 beverages, ~~firearms~~, explosives, and combustibles, excluding those components of  
14 firearm ammunition.

15 \* \* \*

16 §772. Exclusion

17 R.S. 29:736 and 738 shall apply to this Chapter.

18 Section 3. R.S. 14:329.6(A)(6) is hereby repealed in its entirety.

\_\_\_\_\_  
SPEAKER OF THE HOUSE OF REPRESENTATIVES

\_\_\_\_\_  
PRESIDENT OF THE SENATE

\_\_\_\_\_  
GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_