

SENATE BILL NO. 194

BY SENATOR MIGUEZ

1 AN ACT

2 To amend and reenact R.S. 40:1796, relative to preemption of state law; to provide relative  
3 to the regulation of firearms; to provide with respect to the authority of political  
4 subdivisions to regulate the sale, purchase, possession, ownership, transfer,  
5 transportation, license, or registration of firearms or ammunition; to provide relative  
6 to remedies; to provide relative to terms, conditions, and procedures; and to provide  
7 for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1796 is hereby amended and reenacted to read as follows:

10 §1796. Preemption of state law

11 A. No governing authority of a political subdivision shall enact ~~after July 15,~~  
12 ~~1985, or enforce~~ any ordinance, ~~order, or~~ regulation, ~~policy, procedure, rule, or~~  
13 ~~any other form of executive or legislative action~~ more restrictive than state law  
14 concerning in any way the ~~manufacture,~~ sale, purchase, possession, ~~carrying,~~  
15 ~~storage,~~ ownership, ~~taxation,~~ transfer, transportation, license, or registration of  
16 firearms, ammunition, ~~or~~ components of firearms or ammunition, ~~firearms~~  
17 ~~accessories, knives, edged weapons, or any combination thereof.~~ ~~; however, this~~  
18 Section shall not apply to the levy and collection of sales and use taxes, license fees  
19 and taxes and permit fees, nor shall it affect the authority of political subdivisions to  
20 prohibit the possession of a weapon or firearm in the commercial establishments and  
21 public buildings enumerated in R.S. 40:1379.3(N). ~~Any existing ordinance, order,~~  
22 ~~regulation, policy, procedure, rule, or any other form of executive or legislative~~  
23 ~~action in violation of this Subsection shall be null and void, and of no effect.~~

24 B. A political subdivision shall repeal, rescind, or amend to conform, any  
25 ordinance, order, regulation, policy, procedure, rule, or any other form of  
26 executive or legislative action in violation of this Section within six months after  
27 August 1, 2024.

1                    **C. A person or an organization whose membership is adversely affected**  
2                    **by any ordinance, order, regulation, policy, procedure, rule, or any other form**  
3                    **of executive or legislative action promulgated or caused to be enforced in**  
4                    **violation of this Section may file suit against an offending political subdivision**  
5                    **in any court of this state having jurisdiction for declaratory and injunctive relief.**  
6                    **A court shall award a prevailing plaintiff in any such suit reasonable attorney**  
7                    **fees and costs including expert witness fees and expenses.**

8                    ~~B.D.~~ Nothing in this Section shall prohibit a local governing authority in a  
9                    high-risk area from developing a plan with federally licensed firearms  
10                    manufacturers, dealers, or importers to secure the inventory of firearms and  
11                    ammunition of those licensees in order to prevent looting of the licensee's premises  
12                    during a declared state of emergency or disaster. Such plan shall be renewed on a  
13                    periodic basis. The information contained in the plan shall be deemed security  
14                    procedures as defined in R.S. 44:3.1 and shall be released only to the sheriffs of the  
15                    parishes or police chiefs of municipalities in which the declared state of emergency  
16                    or disaster exists.

17                    ~~E.~~ For the purposes of this Section:

18                    (1) "Declared emergency or disaster" means an emergency or disaster  
19                    declared by the governor or parish president pursuant to the provisions of the  
20                    Louisiana Homeland Security and Emergency Assistance and Disaster Act.

21                    (2) "High-risk area" means the parishes of Assumption, Calcasieu, Cameron,  
22                    Iberia, Jefferson, Lafourche, Orleans, Plaquemines, St. Bernard, St. Charles, St.  
23                    James, St. John, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, and  
24                    Vermilion.

25                    **F. This Section shall not apply to the levy and collection of sales and use**  
26                    **taxes, license fees and taxes, and permit fees, nor shall it affect the authority of**  
27                    **political subdivisions to prohibit the possession of a weapon or firearm in the**  
28                    **commercial establishments and public buildings enumerated in R.S.**  
29                    **40:1379.3(N).**

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

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