



LOUISIANA

Summary

The manufacture and sales of firearms, ammunition, and their related products has strong support in Louisiana law. The Louisiana State Constitution provides, "[t]he right of each citizen to keep and bear arms is fundamental and shall not be infringed. Any restriction on this right shall be subject to strict scrutiny." The Attorney General of Louisiana therefore has a narrow ability to regulate the use of firearms. Louisiana has also passed a broad preemption statute that prevents political subdivisions from enacting more restrictive regulations than the state requires. Therefore, the legislature has demonstrated its intent to occupy the field of firearm regulation. The breadth of this preemption statute means that firearm retailers and manufacturers can expect few local obstacles to business. Furthermore, Louisiana also prevents any person or entity from bringing a civil suit against any firearms or ammunition manufacturer, trade association, or dealer for damages as the result of criminal use of a firearm. This authority is exclusively vested in the state. Louisiana does not significantly regulate the design or manufacture of firearms. As such, Louisianans can expect strong support in state laws.

General Statutes

- District clerks of court are required to report to the Louisiana Supreme Court the name and identifying information of any adult prohibited from possessing a firearm. The report shall be submitted within ten days of the date of conviction, adjudication, or order of commitment causing the prohibition. Within fifteen days of receipt of the report, the state Supreme Court shall submit the information to the NICS database. [La. Rev. Stat. § 13:753](#)
- Generally, a firearm is defined as any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle designed to fire or capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive. [La. Rev. Stat. § 14:95.1](#)
- It is unlawful for a person to possess a firearm or carry a concealed weapon who has been convicted of: any felony crime of violence or simple burglary, burglary of a pharmacy, burglary of an inhabited dwelling, unauthorized entry of an inhabited dwelling, felony illegal use of weapons or dangerous instrumentalities, manufacture or possession of a delayed action incendiary device, manufacture or possession of a bomb, or possession of a firearm while in the possession of or during the sale or distribution of a controlled dangerous substance, or any felony violation of the Uniform Controlled Dangerous Substances Law, or any crime defined as a sex offense, or any crime defined as an attempt to commit one of the above. This restriction does not apply to persons who have not been convicted during a 10-year period from the conclusion of sentence, probation, parole or suspension of sentence. [La. Rev. Stat. § 14:95.1](#)

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- It is prohibited under Louisiana law for an individual who has been convicted of domestic abuse battery to possess a firearm. The prohibition ends ten years after completion of the sentence. [La. Rev. Stat. § 14:95.10](#)
- It is unlawful for a person subject to an injunction or protective order to possess a firearm for the duration of the order as long as the injunction or order includes a finding that the person is a credible threat to the physical safety or a family or household member, or dating partner, and informs the person of the prohibition. [La. Rev. Stat. § 46:2136.3](#)
- Certain areas including school campuses are designated as “firearm-free zones” where firearm possession is generally unlawful. Local governing authorities with zoning jurisdiction shall publish a map of firearm-free zones indicating the boundaries of each zone. The map shall be an official public document and placed with the parish clerk of court. Signs or markings shall be located on or near each school and bus. [La. Rev. Stat. § 14:95.6](#)
- It is unlawful to receive, possess, carry, conceal, transfer, or transport any firearm which has not been registered or transferred in compliance with federal law. [La. Rev. Stat. § 40:1785](#)
- It is unlawful to intentionally receive, possess, carry, conceal, buy, sell, or transport any firearm on which the serial number or identification mark has been obliterated. This does not apply to inoperable antiques and relics, or those originally manufactured without a mark. [La. Rev. Stat. § 14:95.7](#)
- Each manufacturer, importer, and dealer in any firearm shall identify it with an approved number or mark stamped or placed in an approved manner. It is unlawful to obliterate, remove, change or alter this number or mark. [La. Rev. Stat. § 40:1788](#)
- It is unlawful to receive, possess, carry, transfer or transport any firearm obtained illegally or which has had the serial number or mark obliterated, altered, removed or concealed. Exceptions include antiques or war relics which are inoperable or ammunition is no longer manufactured and not readily available, or which firearm was manufactured without number or mark. [La. Rev. Stat. § 40:1792](#)

Laws specific to:

Design

- Louisiana does not significantly regulate the design of firearms, ammunition, and their related products.
- Louisiana prohibits the import, manufacture, sale, possession or transfer of armor piercing bullets. Armor piercing bullets are bullets, except a shotgun shell or ammunition primarily designed for use in rifles, that: (1) Has a steel inner core or equivalent in density and hardness, truncated cone, designed for use in a pistol or revolver as a body armor or metal piercing bullet; or (2) Has been primarily manufactured or designed, by virtue of its shape, cross-sectional density, or any coating

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applied thereto, to breach or penetrate body armor when fired from a handgun. Exceptions include certain law enforcement, military forces, correctional officers, and federal officials, and the lawful manufacture, importation, sale, possession, or transfer to or for such authorized persons. La Rev. Stat. § 40:1810; § 40:1812

- With limited exceptions, Louisiana prohibits the sale, transfer, loan, possession, or transport of machine guns. Machine guns are firearms of any caliber, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by clips, disks, belts, or some other separable mechanical device. Exceptions include peace officers, military forces, war relics, certain commercial guards or messengers, and manufacturers and merchants. La. Rev. Stat. § 40:1752 ; § 40:1751

Liability

- The legislature has declared that the manufacture and sale of firearms and ammunition by licensed manufacturers and dealers is lawful and not unreasonably dangerous. Firearm manufacturers or sellers are not liable for injury or damage resulting from a shooting injury by another person unless the injury was proximately caused by unreasonably dangerous construction or composition of the product. No manufacturer or seller who has legally transferred a firearm shall be liable for actions by a person who negligently or unlawfully uses the firearm. Manufacturer or seller failure to ensure certain safety devices exist on a firearm does not make the firearm unreasonably dangerous, unless the device is required by law or regulation. A firearm is not defective in design or manufacture based on its potential to cause bodily injury, property damage, or death. Assault weapons manufactured in violation of federal law are exempt from these declarations. La. Rev. Stat. § 9:2800.60
- Political subdivisions are precluded from bringing suit against firearm manufacturers, trade associations, or dealers for damages or to seek injunctive relief relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition. The authority to bring such action is reserved to the state. Political subdivisions may bring suits against those parties for breach of contract as to purchased firearms or ammunition. La. Rev. Stat. § 40:1799

Licensing

- Louisiana does not require a state license for firearms dealers.

Manufacturing

- Louisiana does not significantly regulate the manufacture of firearms, ammunition, and their related products.
- The state may require importers, manufacturers and dealers to keep certain books and records in relation to firearms transactions. La. Rev. Stat. § 40:1789

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- With limited exceptions, Louisiana prohibits manufacture of machine guns. [La. Rev. Stat. § 40:1752](#)
- Manufacturers and merchants may only transfer possession of machine guns to: another manufacturer or merchant; a common carrier for shipment to manufacturer or merchant; government agent; or a person authorized to purchase a machine gun, when the person presents a written permit to purchase and possess by the sheriff of the parish of the manufacturer or merchant's place of business, and the manufacturer or merchant retains the written permit on file. [La. Rev. Stat. § 40:1753](#)
- Every manufacturer or merchant must keep a register of all machine guns manufactured or handled by them. The register shall include: the date of transfer, delivery or receipt; name address and occupation of the transferee or transferor; and purpose for transfer. Inventory, written permits to purchase or possess, and the register must be available for inspection by law enforcement. [La. Rev. Stat. § 40:1754](#)

Marketing

- Generally, Louisiana does not regulate the marketing of firearms, ammunition, and their related products.

Preemption

- After July 15, 1985, political subdivisions were preempted from any enacting ordinances or regulations more restrictive than state law concerning the sale, purchase, possession, transfer, transport, license or registration of firearms, ammunition or components of same. Exceptions include collection of taxes, license fees and taxes and permit fees, and possession of firearms in certain establishments and public buildings. Further exceptions include local authorities in high risk areas developing plans with federal licensees for securing inventory to prevent looting during emergencies or disasters. The plans are security procedures and only released to law enforcement in affected parishes or municipalities. [La. Rev. Stat. § 40:1796](#)
- Municipalities and parishes may have firearms buyback programs solely funded by donations and funds from assets, seizures and forfeitures. [La. Rev. Stat. § 33:4879](#)

Sales

- It is unlawful to provide, transfer, lend, deliver, or donate a firearm to a person known to be a convicted felon and prohibited from possessing a firearm. [La. Rev. Stat. § 14:95.1.1](#)
- Louisiana has no contiguous sales requirement for long guns.
- Louisiana is not a point of contact state for the National Instant Criminal Background Check System and therefore the FBI processes Louisiana background checks.

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- It is unlawful to make available a dangerous instrument or weapon to any client of any treatment facility. [La. Rev. Stat. § 28:183](#)

Age of Possession

- It is unlawful to sell or deliver for value any firearm to a person under the age of 18. Lack of knowledge of age is not a defense. [La. Rev. Stat. § 14:91](#)
- It is unlawful for a person under the age of 17 to possess a handgun. Certain exceptions include: a hunter or firearm safety course; firearm practice or target shooting at a range; licensed hunting or trapping; traveling to or from any such activity; on property with parental permission and permission of the property owner; at home with parental permission; or with written parental permission on the minor's person. A handgun is defined as a firearm with a barrel not exceeding 12 inches. [La. Rev. Stat. § 14:95.8](#)

Ammunition

- It is prohibited to provide, transfer, lend, deliver, or donate ammunition to any person known to be a convicted felon and prohibited from possessing a firearm. Ammunition is defined as any projectiles with fuses, propelling charges, or primers fired from any firearm. A firearm means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, or 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. [La. Rev. Stat. § 14:95.1.2](#)

Straw Purchase

- It is unlawful to solicit, persuade, encourage, or entice a seller of firearms or ammunition to sell either under circumstances that would violate state or federal law. It is unlawful to give a seller of firearms or ammunition materially false information with intent to deceive the dealer or seller about the legality of a sale. It is unlawful to willfully procure another person to engage in such unlawful conduct. [La. Rev. Stat. § 14:95.1.3](#)

Transportation

- Persons lawfully possessing a firearm may transport or store it in a locked, privately-owned motor vehicle in a parking lot or garage or other designated parking area. [La. Rev. Stat. § 32:292.1](#)

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