

**Louisiana State Law  
Rev. Stat. - LA Stat. Ann.**

**Title 14. Criminal Law**

**Chapter 1. Criminal Code**

**91. Unlawful sales of weapons to minors.**

**A.** Unlawful sales of weapons to minors is the selling, or otherwise delivering for value of any firearm or other instrumentally customarily used as a dangerous weapon, to any person under the age of eighteen. Lack of knowledge of the minor's age shall not be a defense.

**B.** Whoever commits the crime of unlawful sales of weapons to minors shall be fined not more than three hundred dollars or imprisoned for not more than six months, or both.

**95.1. Possession of firearm or carrying concealed weapon by a person convicted of certain felonies.**

**A.** It is unlawful for any person who has been convicted of a crime of violence as defined in R.S. 14:2(13) which is a felony 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 any violation of the Uniform Controlled Dangerous Substances Law which is a felony, or any crime defined as an attempt to commit one of the above enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above enumerated crimes, to possess a firearm or carry a concealed weapon.

**B.** Whoever is found guilty of violating the provisions of this Section shall be imprisoned at hard labor for not less than ten nor more than fifteen years without the benefit of probation, parole, or suspension of sentence and be fined not less than one thousand dollars nor more than five thousand dollars.

**C.** Except as otherwise specifically provided, this Section shall not apply to the following cases:

**(1)** The provisions of this Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of certain felonies shall not apply to any person who has not been convicted of any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

**(2)** Upon completion of sentence, probation, parole, or suspension of sentence the convicted felon shall have the right to apply to the sheriff of the parish in which he resides, or in the case of Orleans Parish the superintendent of police, for a permit to possess firearms. The felon shall be entitled to possess the firearm upon the issuing of the permit.

**(3)** The sheriff or superintendent of police, as the case may be, shall immediately notify the Department of Public Safety, in writing, of the issuance of each permit granted under this Section.

## Title 40. Public Health and Safety

### Chapter 9. Weapons

#### Part I: Machineguns

**1751. Definitions.** For purposes of this Part, "machinegun" includes all firearms of any caliber, commonly known as machine rifles, machineguns, and sub-machineguns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device. "Manufacturer" includes all persons manufacturing machineguns; "Merchants" includes all persons dealing with machineguns as merchandise.

**1752. Handling of machineguns unlawful; exceptions.** No person shall sell, keep or offer for sale, loan or give away, purchase, possess, carry, or transport any machinegun within this state, except that:

(1) All duly appointed peace officers may purchase, possess, carry, and transport machineguns.

(2) This Part does not apply to the Army, Navy, or Marine Corps of the United States, the National Guard, and organizations authorized by law to purchase or receive machineguns from the United States or from this state. The members of such Corps, National Guard, and organizations may possess, carry, and transport machineguns while on duty.

(3) Persons possessing war relics may purchase and possess machineguns which are relics of any war in which the United States was involved, may exhibit and carry the machineguns in the parades of any military organization, and may sell, loan, or give the machineguns to other persons possessing war relics.

(4) Guards or messengers employed by common carriers, banks, and trust companies, and payroll guards or messengers may possess and carry machineguns while actually employed in and about the shipment, transportation, or delivery, or in the guarding of any money, treasure, bullion, bonds, or other thing of value. Their employers may purchase or receive machineguns and keep them in their possession when the guns are not being used by their guards or messengers.

(5) Manufacturers and merchants may sell, keep or offer for sale, loan or give away, purchase, possess, and transport machineguns in the same manner as other merchandise except as otherwise provided in this Part. Common carriers may possess and transport unloaded machineguns as other merchandise.

**1753. Transfer of possessions permitted in certain cases; method.** No manufacturer or merchant shall permit any machinegun to pass from his possession to the possession of any person other than:

(1) A manufacturer or merchant.

(2) A common carrier for shipment to a manufacturer or merchant.

(3) A duly authorized agent of the government of the United States or of this state, acting in his official capacity.

(4) A person authorized to purchase a machinegun under the provisions of paragraphs (1) and (4) of R.S. 40:1752.

Manufacturers or merchants shall not deliver a machinegun to any of the per-

sons authorized to purchase it under the provisions of paragraphs (1) and (4) of R.S. 40:1752 unless the person presents a written permit to purchase and possess a machinegun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machinegun. The manufacturer or merchant shall retain the written permit and keep it on file in his place of business. Each sheriff shall keep a record of all permits issued by him.

#### **1754. Registers to be kept; inspection thereof.**

Every manufacturer or merchant shall keep a register of all machineguns manufactured or handled by him. This register shall show:

- (1) The date of the sale, loan, gift, delivery, or receipt of any machinegun;
- (2) The name, address, and occupation of the person to whom the machinegun was sold, loaned, given, or delivered, or from whom it was received; and
- (3) The purpose for which the person, to whom the machinegun was sold, loaned, given, or delivered, purchased or obtained it.

Upon demand, every manufacturer or merchant shall permit any sheriff or deputy sheriff or any police officer to inspect his entire stock of machineguns, and parts and supplies therefor, and shall produce the register required in this Section and all written permits to purchase or possess a machinegun, which he has retained and filed in his place of business.

#### **1755. Penalty.**

**A.** Any manufacturer who:

- (1) Passes possession of or delivers a machinegun to any person in violation of R.S. 40:1753; or
- (2) Fails to keep an accurate register, as required in R.S. 40:1754; or
- (3) Fails to produce or account for a sheriff's permit for each machinegun sold by him for which a permit is necessary under the provisions of R.S. 40:1753, shall be imprisoned at hard labor for not less than one year nor more than five years.

**B.** Any person who violates R.S. 40:1752 shall be imprisoned at hard labor for not less than one year nor more than ten years.

**C.** Whoever, having been convicted of murder, armed or simple robbery, aggravated or simple burglary, or aggravated battery, or an attempt to commit any one of those crimes, thereafter violates any of the provisions of this Part shall be imprisoned at hard labor for not less than three years nor more than ten years.

## **Part II: Registration**

**1781. Definitions.** For the purpose of this Part, the following terms have the meanings ascribed to them in this Section:

- (1) **"Dealer"** means any person not a manufacturer or importer engaged in this state in the business of selling any firearm. The term includes wholesalers, pawnbrokers, and other persons dealing in used firearms.
- (2) **"Department"** means the Department of Public Safety.
- (3) **"Firearm"** means a shotgun having a barrel of less than eighteen inches in length; a rifle having a barrel of less than sixteen inches in length; any weapon made from either a rifle or a shotgun if said weapon has been modified to have an overall length of less than twenty-six 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 machinegun, 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. Pistols and revolvers and those rifles and shotguns which have not previously been defined in this Paragraph as firearms from which serial number or marks or identification have not been obliterated are specifically exempt from this definition.

(4) **"Importer"** means any person who imports or brings into the state any firearm.

(5) **"Machinegun"** means any weapon, including a submachinegun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.

(6) **"Manufacturer"** means any person who is engaged in this state in the manufacture, assembling, alteration, or repair of any firearm.

(7) **"Muffler" or "silencer"** includes any device for silencing or diminishing the report of any portable weapon such as a rifle, carbine, pistol, revolver, machinegun, submachinegun, shotgun, fowling piece, or other device from which a shot, bullet, or projectile may be discharged by an explosive and is not limited to mufflers and silencers for firearms as defined in this Section.

(8) **"Transfer"** includes the sale, assignment, pledge, lease, loan, gift or other disposition of any firearm.

**1782. Exemptions from Part.** This Part does not apply to the following persons and things:

(1) Sheriffs or equivalent municipal officers in municipalities of over ten thousand, when they are acting in their official capacity.

(2) The arms, accoutrements, and equipment of the military and naval forces of the United States or of other officers of the United States authorized by law to possess weapons of any kind.

(3) The arms, accoutrements, and equipment of the militia.

(4) Any firearm which is unserviceable and which is transferred as a curiosity or ornament.

**1783. Registration with department of public safety.** Every person possessing any firearm shall register with the department the number or other mark identifying the firearm, together with his name, address, and place of business or employment, the place where the firearm is usually kept, and, if the person is other than a natural person, the name and home address of the executive officer thereof having control of the firearm and the name and home address of the person having actual possession thereof.

**1784. Application to possess or transfer.** No person shall continue to possess or shall transfer any firearm without the prior approval of the department. Interested persons shall file written application in duplicate on application forms issued in blank for those purposes by the department. In the case of transfers of any firearm, applications shall be filed by both the proposed vendor and the proposed vendee.

The applications shall set forth, in the original and duplicate, the

manufacturer's number or other mark identifying the firearm. Both the original and duplicate shall be forwarded to the department. If approved, the original shall be returned to the applicant. \* \* \* \*

**1785. Possession or dealing in unregistered or illegally transferred weapons.** No person shall receive, possess, carry, conceal, buy, sell, or transport any firearm which has not been registered or transferred in accordance with this Part.

**1787. Importation, manufacture, or dealing in without registration.** Upon first engaging in business, every importer, manufacturer, and dealer in firearms shall register with the department his name or style, principal place of business and other places of business in this state. No person required to register under the provisions of this Section shall import, manufacture, or deal in any firearm without having registered as required by this Section.

**1788. Identification with number or other mark; obliteration or alteration or number or mark.**

**A.** Each manufacturer, importer, and dealer in any firearm shall identify it with a number or other identification mark approved by the department and shall mark or stamp or otherwise place the number or mark thereon in a manner approved by the department.

**B.** No one shall obliterate, remove, change, or alter this number or mark. Whenever, in a trial for a violation of this Section, the defendant is shown to have or to have had possession of any firearm upon which the number or mark was obliterated, removed, changed, or altered, that possession is sufficient evidence to authorize conviction unless the defendant explains it to the satisfaction of the court.

**1789. Records of importers, manufacturers, or dealers.** Importers, manufacturers, and dealers shall keep such books and records and render such returns in relation to the transactions in firearms specified in this Part as the department requires.

**1790. Rules and regulations; importation of firearms.** The department may prescribe such rules and regulations as are necessary for carrying out the provisions of this Part.

Under regulations prescribed by the department, any firearm may be imported or brought into this state or possessed or transferred when the purpose thereof is shown to be lawful.

#### **Part II-A: Miscellaneous Provisions**

**1796. Preemption of state law.** No governing authority of a political subdivision shall enact after July 15, 1985, any ordinance or regulation more restrictive than state law concerning in any way the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition; **provided, however,** that this Section shall not apply to the levy and collection of sales and use taxes, license fees and taxes and permit fees, nor shall it affect the authority of political subdivisions to prohibit the possession of a weapon or

firearm in certain commercial establishments and public buildings. \* \* \* \*

#### **Part IV: Armor-Piercing Bullets**

**1810. Definitions.** As used in this Part, "armor-piercing bullet" shall mean any bullet, except a shotgun shell or ammunition primarily designed for use in rifles, that:

- (1) Has a steel inner core or core of equivalent density and hardness, truncated cone, and is 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 applied thereto, to breach or penetrate body armor when fired from a handgun.

#### **1811. Prohibitions.**

**A.** No person shall import, manufacture, sell, purchase, possess, or transfer armor-piercing bullets.

**B.** Whoever violates the provisions of this Section shall be fined not more than one thousand dollars or imprisoned with or without hard labor for not more than one year, or both.

**1812. Exemptions.** The provisions of this Part shall not apply to:

- (1) Law enforcement officers and employees acting in the lawful performance of their duties.
- (2) Law enforcement or other authorized agencies conducting a firearms training course, operating a forensic ballistics laboratory, or specializing in the development of ammunition or explosive ordinance.
- (3) Department of Corrections officials and employees authorized to carry firearms while engaged in the performance of their official duties.
- (4) Members of the armed services or reserve forces of the United States or Louisiana National Guard while engaged in the performance of their official duties.
- (5) Federal officials authorized to carry firearms while engaged in the performance of their official duties.
- (6) The lawful manufacture, importation, sale, purchase, possession, or transfer of armor-piercing bullets exclusively to or for persons authorized by law to possess such bullets.
- (7) A bona fide collector licensed by the Department of Public Safety.

#### **Publisher's Notes:**

1. The following jurisdictions prohibit the sale, possession, or receipt of any type of firearm to or by any of a particular class of persons (e.g., convicted felons, fugitives from justice, illegal aliens, mental incompetents, unlawful drug users and addicts) [An asterisk (\*) next to a name indicates another listing]

Jefferson Parish\*  
New Orleans\*

2. The following jurisdictions restrict the sale, possession, or receipt of

firearms, such as destructive devices [i.e., (a) grenades (or other explosive or incendiary devices), or (b) fully automatic weapons, or (c) short-barreled rifles, or (d) short-barreled shotguns, or (e) silencers, or (f) other (specified)] [An asterisk (\*) next to a name indicates another listing]

New Orleans\* (e)

3. A permit to purchase must be obtained before a firearm may be sold or delivered to a purchaser or recipient in the following jurisdictions [An asterisk (\*) next to a name indicates another listing]

Westwego\* (By both the proposed vendor and vendee. Contact the Jefferson Parish Sheriff's Office for details.)

4. The following jurisdictions restrict the age at which it is lawful for a person to purchase or receive a firearm [An asterisk (\*) next to a name indicates another listing]

New Orleans\*

5. The following jurisdictions restrict the sale of firearms [i.e., (a) requirement for a State or local license to sell firearms, or (b) recordkeeping requirements imposed as a condition of lawful sale of firearms, or (c) other (specified)] [An asterisk (\*) next to a name indicates another listing]

Jefferson Parish\* (b)

New Orleans

Westwego\* (b)