

Regular Session, 2012

SENATE BILL NO. 572

BY SENATOR MORRELL

WEAPONS. Prohibits the purchase of firearms or ammunition with the intent of transferring such to a felon whether or not the transfer to the felon ever occurs. (8/1/12)

1 AN ACT
2 To enact R.S. 14:95.1.3, relative to weapons; to prohibit the purchase of firearms or
3 ammunition with the intent to transfer illegally; to provide for definitions; to provide
4 for penalties; and to provide for related matters.
5 Be it enacted by the Legislature of Louisiana:
6 Section 1. R.S. 14:95.1.3 is hereby enacted to read as follows:
7 **§95.1.3. Fraudulent firearm and ammunition purchase**
8 **A. It is unlawful for any person:**
9 **(1) To knowingly solicit, persuade, encourage, or entice a licensed dealer**
10 **or private seller of firearms or ammunition to sell a firearm or ammunition**
11 **under circumstances which the person knows would violate the laws of this state**
12 **or of the United States.**
13 **(2) To provide to a licensed dealer or private seller of firearms or**
14 **ammunition what the persons knows to be materially false information with**
15 **intent to deceive the dealer or seller about the legality of a sale of a firearm or**
16 **ammunition.**
17 **(3) To willfully procure another person to engage in conduct prohibited**

1 **by this Section.**

2 **B. For purposes of this Section:**

3 **(1) "Licensed dealer" means a person who is licensed pursuant to 18**
4 **U.S.C. §923 to engage in the business of dealing in firearms or ammunition.**

5 **(2) "Private seller" means a person who sells or offers for sale any**
6 **firearm or ammunition.**

7 **(3) "Ammunition" means any cartridge, shell, or projectile designed for**
8 **use in a firearm.**

9 **(4) "Materially false information" means information that portrays an**
10 **illegal transaction as legal or a legal transaction as illegal.**

11 **C. The provisions of this Section shall not apply to a law enforcement**
12 **officer acting in his official capacity or to a person acting at the direction of**
13 **such law enforcement officer.**

14 **D. Whoever violates the provisions of this Section shall be fined not less**
15 **than one thousand dollars or more than five thousand dollars, or imprisoned,**
16 **with or without hard labor, for not less than one year or more than five years,**
17 **or both. At least one year of the sentence imposed shall be served without**
18 **benefit of parole, probation, or suspension of sentence.**

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cathy R. Wells.

DIGEST

Morrell (SB 572)

Present law provides that illegally supplying a felon with a firearm or ammunition is the intentional giving, selling, donating, providing, lending, delivering, or otherwise transferring such firearm or ammunition to any person known by the offender to a person convicted of a felony and prohibited from possessing a firearm.

Proposed law retains present law and makes it unlawful for a person to:

1. Knowingly solicit, persuade, encourage, or entice a licensed dealer or private seller of firearms or ammunition to sell a firearm or ammunition under circumstances which the person knows who violate the laws of this state or of the U.S.
2. Provide to a licensed dealer or private seller of firearms or ammunition what the person knows to be materially false information with intent to deceive the dealer or seller about the legality of a sale of a firearm or ammunition.

3. Willfully procure another person to engage in conduct that is prohibited by proposed law.

Proposed law provides the following definitions:

1. "Licensed dealer" means a person who is licensed pursuant to federal law to engage in the business of dealing in firearms or ammunition.
2. "Private seller" means a person who sells or offers for sale any firearm or ammunition.
3. "Ammunition" means any cartridge, shell, or projectile designed for use in a firearm.
4. "Materially false information" means information that portrays an illegal transaction as legal or a legal transaction as illegal.

Proposed law exempts law enforcement officers acting in their official capacity or to a person acting at the direction of such law enforcement officer.

Proposed law provides penalties for fraudulent firearm and ammunition purchases of not less than \$1000 or more than \$5000, or imprisoned, with or without hard labor, for not less than one year or more than five years, or both. Provides that at least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

Effective August 1, 2012.

(Adds R.S. 14:95.1.3)