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Overview

This bill clarifies and delimits the authority of a public official or entity to seize or regulate weapons during a state of emergency.

Section

1 Authority to seize and confiscate firearms.

Para. (a). Provides that this section applies only during a state of emergency proclaimed by the Governor relating to a public disorder or disaster.

Para. (b). Provides that a peace officer may disarm an individual only temporarily and only if the officer believes it is immediately necessary. Before releasing the individual, the peace officer must return any seized weapons, ammunition, or accessories unless the officer takes the individual into custody or seizes the items as evidence.

Para. (c). Provides that no government unit or person acting under government authority may, with regard to weapons, ammunition, or accessories: (1) prohibit or regulate the otherwise lawful possession, carrying, transportation, transfer, or use; (2) seize, commandeer, or confiscate; (3) suspend or revoke a valid permit; or (4) close or limit the operating hours of businesses that sell or service these items, unless the limitation applies to all forms of commerce.

Para. (d). Provides that no provision of law relating to a public disorder or national emergency proclamation shall be construed as authorizing any government official to act in violation of paragraphs (b), (c), or (d).

Section

Para. (e). (1) An individual aggrieved by a violation of this section may seek specified relief in the district court with jurisdiction over the county in which the individual resides or in which the violation occurred.

(2) An individual aggrieved by a violation of a paragraph (c) may additionally apply for the immediate return of the items to the office of the clerk for the county in which the items were seized. Except as provided in paragraph (b), the court must order the immediate return of the items.

(3) In an action or proceeding to enforce this section, the court must award the prevailing plaintiff reasonable court costs and expenses, including attorney fees.