HLS 16RS-789 ORIGINAL

2016 Regular Session

HOUSE BILL NO. 255

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BY REPRESENTATIVE HORTON

WEAPONS/HANDGUNS: Provides with respect to eligibility requirements for concealed carry permits

AN ACT

2 To amend and reenact R.S. 40:1379.3(C)(6) and (10), relative to concealed handgun permits; 3 to provide with respect to eligibility to obtain a concealed handgun permit; to 4 provide with respect to persons convicted of certain offenses; to provide for 5 applicability; to provide limitations; and to provide for related matters. 6 Be it enacted by the Legislature of Louisiana: 7 Section 1. R.S. 40:1379.3(C)(6) and (10) are hereby amended and reenacted to read 8 as follows: 9 §1379.3. Statewide permits for concealed handguns; application procedures; 10 definitions 11 12 C. To qualify for a concealed handgun permit, a Louisiana resident shall: 13 14 (6) Not be ineligible to possess a firearm by virtue of having been convicted 15 of a felony Not have been convicted of, have entered a plea of guilty or nolo 16 contendere to, the crime of domestic abuse battery (R.S. 14:35.3), possession of a 17 firearm or carrying a concealed weapon by a person convicted of domestic abuse battery (R.S. 14:95.10), or of a felony enumerated in R.S. 14:95.1 which renders that 18 19 person ineligible to possess a firearm. Any conviction for which a person has been pardoned by the governor shall not be considered a conviction for purposes of this 20

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

Paragraph, unless that pardon expressly provides that the person may not ship, transport, possess, or receive firearms.

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(10) Not have been convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or greater. A conviction, plea of guilty, or plea of nolo contendere under this Paragraph shall include an expungement of such conviction or a dismissal and conviction set-aside under the provisions of Code of Criminal Procedure Article 893. as defined in R.S. 14:2(B), or any crime which is defined as a sex offense in R.S. 15:541, or any crime defined as an attempt to commit a crime of violence or a sex offense 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 a crime of violence or a sex offense. However, a person who has been convicted of a violation of 18 U.S.C. 491(a) shall be permitted to qualify for a concealed handgun permit if fifteen or more years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole. Any conviction for which a person has been pardoned by the governor shall not be considered a conviction for purposes of this Paragraph, unless that pardon expressly provides that the person may not ship, transport, possess, or receive firearms.

## DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 255 Original

2016 Regular Session

Horton

**Abstract:** Changes disqualifications for obtaining concealed handgun permits to persons convicted of certain felonies rather than all felony offenses.

<u>Present law</u> provides for the issuance of concealed handgun permits and provides for eligibility requirements.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

Proposed law retains present law.

<u>Present law</u> provides that a person is ineligible for a concealed handgun permit if he is prohibited from possessing a firearm because he has been convicted of a felony offense even if the conviction has been expunged.

<u>Proposed law</u> changes <u>present law</u> to define the ineligibility for possession to convictions for domestic abuse battery, possession of a firearm by a person convicted of domestic abuse battery, and to those offenses under <u>present law</u> which prohibit the possession of a firearm.

<u>Present law</u> prohibits a person convicted of any felony from obtaining a concealed handgun permit.

<u>Proposed law</u> changes the prohibition to apply to convictions for crimes of violence and sex offenses, and attempts of those offenses.

<u>Proposed law</u> changes <u>present law</u> to provide that a person who has been pardoned by the governor shall not be considered ineligible to obtain a concealed handgun permit unless the pardon expressly prohibits the person from shipping, transporting, possessing, or receiving firearms.

(Amends R.S. 40:1379.3(C)(6) and (10))