2021 Regular Session

HOUSE BILL NO. 596

BY REPRESENTATIVE FONTENOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana. WEAPONS/HANDGUNS: Provides relative to the concealed carrying of firearms

1	AN ACT
2	To amend and reenact R.S. 40:1379.3(B)(2) and (I)(1) and (2) and to enact R.S. 14:95(M)
3	and R.S. 40:1379.3.3, relative to the illegal carrying of weapons; to exempt certain
4	persons from the crime of illegal carrying of weapons; to provide relative to
5	concealed handgun permits; to provide relative to the authority of a person to carry
6	a concealed handgun without a permit; to provide relative to the completion of a
7	sixty-minute online concealed handgun education course in order to carry a
8	concealed handgun without a permit; to provide relative to a database of licensed
9	firearm and handgun instructors; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 14:95(M) is hereby enacted to read as follows:
12	§95. Illegal carrying of weapons
13	* * *
14	<u>M.</u> The provisions of Paragraph $(A)(1)$ of this Section shall not apply to a
15	person if all of the following conditions are met:
16	(1) The person is twenty-one years of age or older.

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1	(2) The person is not prohibited from possessing a firearm under R.S.		
2	14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state or		
3	federal law.		
4	Section 2. R.S. 40:1379.3(B)(2) and (I)(1) and (2) are hereby amended and		
5	reenacted and R.S. 40:1379.3.3 is hereby enacted to read as follows:		
6	§1379.3. Statewide permits for concealed handguns; application procedures;		
7	definitions		
8	* * *		
9	В.		
10	* * *		
11	(2) A Louisiana resident shall be required to possess a valid concealed		
12	handgun permit issued by the state of Louisiana pursuant to the provisions of this		
13	Section in order to carry a concealed handgun in the state of Louisiana who meets		
14	the qualifications of R.S. 14:95(M) shall not be required to possess a valid concealed		
15	handgun permit issued by the state of Louisiana pursuant to the provisions of this		
16	Section in order to carry a concealed handgun in the state of Louisiana. The		
17	provisions of this Subsection shall not affect the requirements of reciprocity as		
18	provided in Subsection T of this Section.		
19	* * *		
20	I.(1) No individual to whom a concealed handgun permit is issued or a		
21	person carrying a weapon pursuant to R.S. 14:95(M) may carry and conceal such		
22	handgun while under the influence of alcohol or a controlled dangerous substance.		
23	While a permittee person is under the influence of alcohol or a controlled dangerous		
24	substance, an otherwise lawful permit is considered automatically suspended and is		
25	not valid. A permittee person shall be considered under the influence as evidenced		
26	by a blood alcohol reading of .05 percent or greater by weight of alcohol in the		
27	blood, or when a blood test or urine test shows any confirmed presence of a		
28	controlled dangerous substance as defined in R.S. 40:961 and 964.		

1	(2) A permittee person armed with a handgun in accordance with this
2	Section or a person carrying a weapon pursuant to R.S. 14:95(M) shall notify any
3	police officer who approaches the permittee person in an official manner or with an
4	identified official purpose that he has a weapon on his person, submit to a pat down,
5	and allow the officer to temporarily disarm him. Whenever a law enforcement
6	officer is made aware that an individual is carrying a concealed handgun and the law
7	enforcement officer has reasonable grounds to believe that the individual is under the
8	influence of either alcohol or a controlled dangerous substance, the law enforcement
9	officer may take temporary possession of the handgun and request submission of the
10	individual to a department certified chemical test for determination of the chemical
11	status of the individual. Whenever a law enforcement officer is made aware that an
12	individual is behaving in a criminally negligent manner as defined under the
13	provisions of this Section, or is negligent in the carrying of a concealed handgun as
14	provided for in R.S. 40:1382, the law enforcement officer may seize the handgun,
15	until adjudication by a judge, if the individual is issued a summons or arrested under
16	the provisions of R.S. 40:1382. Failure by the permittee person to comply with the
17	provisions of this Paragraph shall result in a six-month automatic suspension of the
18	permit.
19	* * *
20	§1379.3.3. Louisiana permitless carry
21	A. The Department of Public Safety and Corrections, office of state police
22	shall provide a sixty-minute online concealed handgun education course at no cost
23	to Louisiana residents.
24	B. The concealed handgun education course shall cover the following topics:
25	(1) Concealed handgun basics and nomenclature.
26	(2) Firearm free zones.
27	(3) Use of deadly force.
28	(4) Interactions with law enforcement officers.

1	C. The sixty-minute concealed handgun education course provided by this
2	Subsection does not fulfill the requirements for obtaining a Concealed Handgun
3	Permit under R.S. 40:1379.3.
4	D. State police shall maintain a database of all licensed handgun and firearm
5	instructors available to the public in the event that a person wants to search for more
6	handgun or firearm classes.
7	E. The Department of Public Safety and Corrections, office of state police
8	shall promulgate rules and regulations in accordance with the Administrative
9	Procedure Act to implement the provisions of this Section.

## 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 596 Engrossed	2021 Regular Session	Fontenot
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Abstract: Exempts certain persons from the crime of illegal carrying of weapons, removes the requirement that a La. resident possess a permit issued by the state of La. in order to carry a concealed handgun in the state of La., requires state police to provide a 60minute course at no cost to La. residents, requires state police to maintain and make available to the public a database of all licensed firearm and handgun instructors.

<u>Present law</u> (R.S. 14:95) prohibits the carrying of a concealed firearm, provides for criminal penalties, and provides for certain exceptions to the offense.

<u>Proposed law</u> creates an exception to this prohibition for a person who is 21 years of age or older and who is not prohibited from possessing a firearm under any federal or state law.

<u>Present law</u> (R.S. 40:1379.3) provides that La. residents who meet certain eligibility requirements may apply for and be issued a concealed handgun permit authorizing the person to carry a concealed handgun on his person in the state of La.

<u>Present law</u> requires the person to possess a valid concealed handgun permit issued by the state of La. in order to carry a concealed handgun in the state of La.

<u>Proposed law</u> removes <u>present law</u> requirement that a resident of La. possess a permit issued by the state of La. in order to carry a concealed handgun in the state of La.

<u>Proposed law</u> provides that an individual who meets the qualifications of R.S. 14:95(M) shall not be required to possess a valid concealed handgun permit issued by the state of Louisiana.

<u>Proposed law</u> specifies that <u>proposed law</u> shall not affect <u>present law</u> reciprocity requirements.

<u>Present law</u> provides that no individual with a concealed handgun permit may carry and conceal while under the influence of alcohol or a controlled dangerous substance.

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<u>Present law</u> further provides that a person with a concealed handgun permit shall notify the officer, when approached in an official manner or with an identified official purpose, that he has a weapon on his person, submit to a pat down, and allow the officer to temporarily disarm him.

<u>Proposed law</u> retains <u>present law</u> and includes individuals carrying a concealed handgun pursuant to <u>proposed law</u>.

<u>Proposed law</u> requires state police to provide a 60-minute online concealed handgun education course at no cost to Louisiana residents to include the following topics:

- (1) Concealed handgun basics and nomenclature.
- (2) Firearm free zones.
- (3) Use of deadly force.
- (4) Interactions with law enforcement officers.

<u>Proposed law</u> further requires state police to maintain a database of all licensed handgun and firearm instructors to be made available to the public.

(Amends R.S. 40:1379.3(B)(2) and (I)(1) and (2); Adds R.S. 14:95(M) and R.S. 40:1379.3.3)

## Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Administration of</u> <u>Criminal Justice</u> to the <u>original</u> bill:
- 1. Make technical changes to the citations.
- 2. Expand the list of provisions that prohibit a person from possessing a firearm.
- 3. Specify that a La. resident who meets <u>proposed law</u> qualifications shall not be required to possess a permit and further specify that <u>proposed law</u> provisions shall not affect <u>present law</u> reciprocity requirements.
- 4. Specify that no individual carrying a concealed handgun pursuant to <u>proposed</u> <u>law</u> may carry while under the influence of alcohol or a controlled dangerous substance.
- 5. Specify that a person carrying a concealed handgun pursuant to <u>proposed law</u> shall notify the police officer that he has a weapon on his person, shall submit to a pat down, and shall allow the officer to temporarily disarm him.
- 6. Require state police to provide a 60-minute online concealed handgun education course.
- 7. Require state police to maintain a database of all licensed handgun and firearm instructors to be made available to the public.