2022 Regular Session

HOUSE BILL NO. 463

BY REPRESENTATIVE SEABAUGH

WEAPONS: Provides relative to the illegal carrying of weapons

1	AN ACT		
2	To amend and reenact R.S. 14:95(A)(4), (G), and (H)(1) and to repeal R.S. 14:95(A)(5),		
3	relative to the illegal carrying of weapons; to provide for the removal of knives as		
4	illegally carried weapons; and to provide for related matters.		
5	Be it enacted by the Legislature of Louisiana:		
6	Section 1. R.S. 14:95(A)(4), (G), and (H)(1) are hereby amended and reenacted to		
7	read as follows:		
8	§95. Illegal carrying of weapons		
9	A. Illegal carrying of weapons is any of the following:		
10	* * *		
11	(4)(a) The intentional concealment on one's person of any switchblade knife,		
12	spring knife, or other knife or similar instrument having a blade which may be		
13	automatically unfolded or extended from a handle by the manipulation of a button,		
14	switch, latch, or similar contrivance located on the handle.		
15	(b) The provisions of this Paragraph shall not apply to the following:		
16	(i) Any knife that may be opened with one hand by manual pressure applied		
17	to the blade or any projection of the blade.		
18	(ii) Any knife that may be opened by means of inertia produced by the hand,		
19	wrist, or other movement, provided the knife has either a detent or other structure		
20	that provides resistance that shall be overcome in opening or initiating the opening		
21	movement of the blade or a bias or spring load toward the closed position.		

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

1	(5)(a) The intentional possession or use by any person of a dangerous
2	weapon on a school campus during regular school hours or on a school bus.
3	"School" means any elementary, secondary, high school, or vo-tech school in this
4	state and "campus" means all facilities and property within the boundary of the
5	school property. "School bus" means any motor bus being used to transport children
6	to and from school or in connection with school activities.
7	(b) The provisions of this Paragraph shall not apply to:
8	(i) A peace officer as defined by R.S. 14:30(B) in the performance of his
9	official duties.
10	(ii) A school official or employee acting during the normal course of his
11	employment or a student acting under the direction of such school official or
12	employee.
13	(iii) Any person having the written permission of the principal or school
14	board and engaged in competition or in marksmanship or safety instruction.
15	* * *
16	G.(1) The provisions of this Section except Paragraph $(A)(4)$ of this Section
17	shall not apply to sheriffs and their deputies, state and city police, constables and
18	town marshals, or persons vested with police power when in the actual discharge of
19	official duties. These provisions shall not apply to sheriffs and their deputies and
20	state and city police who are not actually discharging their official duties, provided
21	that such persons are full time, active, and certified by the Council on Peace Officer
22	Standards and Training and have on their persons valid identification as duly
23	commissioned law enforcement officers.
24	(2) The provisions of this Section except Paragraph $(A)(4)$ of this Section
25	shall not apply to any law enforcement officer who is retired from full-time active
25 26	shall not apply to any law enforcement officer who is retired from full-time active law enforcement service with at least twelve years service upon retirement, nor shall
26	law enforcement service with at least twelve years service upon retirement, nor shall

as retired law enforcement officers, which identification shall be provided by the
entity which employed the officer prior to his or her public retirement. The retired
law enforcement officer must be qualified annually in the use of firearms by the
Council on Peace Officer Standards and Training and have proof of such
qualification. This exception shall not apply to such officers who are medically
retired based upon any mental impairment.

(3)(a) The provisions of this Section except Paragraph (A)(4) of this Section
shall not apply to active or retired reserve or auxiliary law enforcement officers
qualified annually by the Council on Peace Officer Standards and Training and who
have on their person valid identification as active or retired reserve law or auxiliary
municipal police officers. The active or retired reserve or auxiliary municipal police
officer shall be qualified annually in the use of firearms by the Council on Peace
Officer Standards and Training and have proof of such certification.

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15 H.(1) Except as provided in Paragraph (A)(5) (4) of this Section and in 16 Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit 17 active justices or judges of the supreme court, courts of appeal, district courts, parish 18 courts, juvenile courts, family courts, city courts, federal courts domiciled in the state 19 of Louisiana, and traffic courts, members of either house of the legislature, officers 20 of either house of the legislature, the legislative auditor, designated investigative 21 auditors, constables, coroners, designated coroner investigators, district attorneys and 22 designated assistant district attorneys, United States attorneys and assistant United 23 States attorneys and investigators, the attorney general, designated assistant attorneys 24 general, and justices of the peace from possessing and concealing a handgun on their 25 person when such persons are qualified annually in the use of firearms by the 26 Council on Peace Officer Standards and Training.

28 Section 2. R.S. 14:95(A)(5) is hereby repealed in its entirety.

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 463 Engrossed	2022 Regular Session	Seabaugh
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Abstract: Removes the intentional concealment of any switchblade knife, spring knife, or other knife or similar instrument from the crime of illegal carrying of weapons.

Present law provides for the illegal carrying of weapons.

<u>Proposed law</u> amends <u>present law</u> to remove the intentional concealment of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch, or similar contrivance located on the handle.

(Amends R.S. 14:95(A)(4), (G), and (H)(1); Repeals R.S. 14:95(A)(5))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Administration of</u> <u>Criminal Justice to the original bill:</u>
- 1. Make technical changes.