2022 Regular Session

HOUSE BILL NO. 463

BY REPRESENTATIVES SEABAUGH, AMEDEE, CREWS, EDMONSTON, FRIEMAN, HORTON, MCCORMICK, MIGUEZ, AND WRIGHT

| 1  | AN ACT   |
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| 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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(5)(a) The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus. "School" means any elementary, secondary, high school, or vo-tech school in this state and "campus" means all facilities and property within the boundary of the school property. "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

- (b) The provisions of this Paragraph shall not apply to:
- (i) A peace officer as defined by R.S. 14:30(B) in the performance of his official duties.
- (ii) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
- (iii) Any person having the written permission of the principal or school board and engaged in competition or in marksmanship or safety instruction.

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- G.(1) The provisions of this Section except Paragraph (A)(4) of this Section shall not apply to sheriffs and their deputies, state and city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties. These provisions shall not apply to sheriffs and their deputies and state and city police who are not actually discharging their official duties, provided that such persons are full time, active, and certified by the Council on Peace Officer Standards and Training and have on their persons valid identification as duly commissioned law enforcement officers.
- (2) The provisions of this Section except Paragraph (A)(4) of this Section 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 it apply to any enforcement officer of the office of state parks, in the Department of Culture, Recreation and Tourism who is retired from active duty as an enforcement officer, provided that such retired officers have on their persons valid identification as retired law enforcement officers, which identification shall be provided by the

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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.

(b) For the purposes of this Paragraph, a reserve or auxiliary municipal police officer shall be defined as a volunteer, non-regular, sworn member of a law enforcement agency who serves with or without compensation and has regular police powers while functioning as such agency's representative, and who participates on a regular basis in agency activities including, but not limited to those pertaining to crime prevention or control, and the preservation of the peace and enforcement of the law.

H.(1) Except as provided in Paragraph (A)(5) (4) of this Section and in Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state of Louisiana, and traffic courts, members of either house of the legislature, officers of either house of the legislature, the legislative auditor, designated investigative auditors, constables, coroners, designated coroner investigators, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, the attorney general, designated assistant attorneys general, and justices of the peace from possessing and concealing a handgun on their

| 1 | person when such persons are qualified annually in the use of firearms by the |
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| 2 | Council on Peace Officer Standards and Training.                              |
| 3 | * * *   |
| 4 | Section 2. R.S. 14:95(A)(5) is hereby repealed in its entirety.               |
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|   | SPEAKER OF THE HOUSE OF REPRESENTATIVES                                       |
|   |   |
|   | PRESIDENT OF THE SENATE   |
|   |   |
|   | GOVERNOR OF THE STATE OF LOUISIANA  |
|   |   |

**ENROLLED** 

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APPROVED: