

SENATE BILL NO. 507 (Substitute of Senate Bill No. 419 by Senator Talbot)

BY SENATOR TALBOT AND REPRESENTATIVE KNOX

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AN ACT

To amend and reenact R.S. 14:95(N) as enacted by Section 1 of Act 1 of the 2024 Second Extraordinary Session and R.S. 40:1379.3(I)(1) and (2) and (L) and 1382(A)(1) and (C) and to enact R.S. 40:1382(D), relative to the illegal carrying of handguns; to provide relative to negligent carrying of a concealed handgun; to increase the penalties for negligent carrying of a concealed handgun in certain areas; to provide for returning a forfeited handgun; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(N) as enacted by Section 1 of Act 1 of the 2024 Second Extraordinary Session is hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

* * *

N. Any person lawfully carrying a handgun pursuant to Subsection M of this Section shall be subject to the restrictions contained in R.S. 40:1379.3(I), (L), (M), (N), and (O).

Section 2. R.S. 40:1379.3(I)(1) and (2) and (L) and 1382(A)(1) and (C) are hereby amended and reenacted and R.S. 40:1382(D) is hereby enacted to read as follows:

§1379.3. Statewide permits for concealed handguns; application procedures; definitions

* * *

I.(1) No individual to whom a concealed handgun permit is issued or a person carrying a weapon pursuant to R.S. 14:95(M) may carry and conceal such handgun while under the influence of alcohol or a controlled dangerous substance. While a permittee is under the influence of alcohol or a controlled dangerous substance, an otherwise lawful permit is considered automatically suspended and is not valid. A permittee or any person carrying a concealed handgun shall be considered under the influence as evidenced by a blood alcohol reading of .05 percent or greater by

1 weight of alcohol in the blood, or when a blood test or urine test shows any
 2 confirmed presence of a controlled dangerous substance as defined in R.S. 40:961
 3 and 964.

4 (2) A permittee armed with a handgun in accordance with this Section or a
 5 person carrying a weapon pursuant to R.S. 14:95(M) shall notify any police officer
 6 who approaches the ~~permittee~~ **individual** in an official manner or with an identified
 7 official purpose that he has a weapon on his person, submit to a pat down, and allow
 8 the officer to temporarily disarm him. Whenever a law enforcement officer is made
 9 aware that an individual is carrying a concealed handgun and the law enforcement
 10 officer has reasonable grounds to ~~believe~~ **suspect** that the individual is under the
 11 influence of either alcohol or a controlled dangerous substance, the law enforcement
 12 officer may take temporary possession of the handgun, **reasonably detain the**
 13 **individual**, and request submission of the individual to a department-certified
 14 chemical test for determination of the chemical status of the individual. Whenever
 15 a law enforcement officer **reasonably suspects or** is made aware that an individual
 16 is behaving in a criminally negligent manner as defined under the provisions of this
 17 Section, or is negligent in the carrying of a concealed handgun as provided for in
 18 R.S. 40:1382, the law enforcement officer may **frisk for and** seize the handgun, until
 19 adjudication by a judge, if the individual is issued a summons or arrested under the
 20 provisions of R.S. 40:1382. Failure by the permittee to comply with the provisions
 21 of this Paragraph shall result in a six-month automatic suspension of the permit. **A**
 22 **person carrying a concealed handgun pursuant to R.S. 14:95(M) who fails to**
 23 **comply with the provisions of this Paragraph shall be subject to the penalties**
 24 **provided in Subsection L of this Section.**

25 * * *

26 L.**(1)** Anyone who carries and conceals a handgun in violation of any
 27 provision of this Section, unless authorized to do so by another provision of the law,
 28 shall be fined not more than five hundred dollars, or imprisoned for not more than
 29 six months, or both.

30 **(2) Anyone who carries a concealed handgun in violation of any**

1 provision of this Section in the area within the boundaries of the French
 2 Quarter Management District as established in R.S. 25:799 shall be fined not
 3 less than five hundred dollars nor more than one thousand dollars, or be
 4 imprisoned for not more than six months, or both.

5 * * *

6 §1382. Negligent carrying of a concealed handgun

7 A. Negligent carrying of a concealed handgun is the intentional or criminally
 8 negligent carrying by any person, whether or not authorized or licensed to carry or
 9 possess a concealed handgun, under the following circumstances:

10 (1) When it is foreseeable that the handgun may discharge, or when a law
 11 enforcement officer or others are placed in reasonable apprehension or the law
 12 enforcement officer has a reasonable suspicion that the handgun may discharge.

13 * * *

14 C.(1) Whoever commits the offense of negligent carrying of a concealed
 15 handgun shall be fined not more than five hundred dollars, or imprisoned ~~without~~
 16 ~~hard labor~~ for not more than six months, or both. ~~The adjudicating judge may also~~
 17 ~~order the forfeiture of the handgun and may suspend or revoke any permit or license~~
 18 ~~authorizing the carrying of the handgun.~~

19 (2) Whoever commits the offense of negligent carrying of a concealed
 20 handgun in the area within the boundaries of the French Quarter Management
 21 District as established in R.S. 25:799 shall be fined not less than five hundred
 22 dollars nor more than one thousand dollars, or imprisoned for not more than
 23 six months, or both.

24 (3) In addition to the penalties provided in Paragraphs (1) and (2) of this
 25 Subsection, the court may order the forfeiture of the handgun and may suspend
 26 or revoke any permit or license authorizing the concealed carrying of the
 27 handgun.

28 D. Notwithstanding the provisions of R.S. 40:1798, a handgun forfeited
 29 under Paragraph (C)(3) of this Section shall be returned to the defendant if the
 30 defendant satisfies all of the following:

1 **(1) The instant conviction is the defendant's first offense for a violation**
2 **of this Section.**

3 **(2) The defendant is not otherwise prohibited by state or federal law**
4 **from possessing a firearm.**

5 **(3) The defendant successfully completes the eight-hour National Rifle**
6 **Association Basics Pistol Shooting course taught in person by a National Rifle**
7 **Association certified instructor within one year of conviction.**

8 Section 3. This Act shall become effective on July 4, 2024; if vetoed by the governor
9 and subsequently approved by the legislature, this Act shall become effective on the day
10 following such approval by the legislature or July 4, 2024, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____