

Regular Session, 2014

HOUSE BILL NO. 72

BY REPRESENTATIVE LOPINTO

WEAPONS/FIREARMS: Provides relative to the possession of firearms by concealed handgun permit holders and law enforcement officers in certain alcoholic beverage establishments

1 AN ACT

2 To amend and reenact R.S. 14:95.5(C), relative to the possession of a firearm on the
3 premises of an alcoholic beverage outlet; to exempt certain law enforcement officers
4 from the prohibition; to exempt concealed permit holders from the prohibition as it
5 relates to restaurants; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95.5(C) is hereby amended and reenacted to read as follows:

8 §95.5. Possession of firearm on premises of alcoholic beverage outlet

9 * * *

10 C.(1) The provisions of this Section shall not apply to the owner or lessee of
11 an alcoholic beverage outlet, ~~or to~~ an employee of such owner or lessee, or to a law
12 enforcement officer or other person vested with law enforcement authority or listed
13 in R.S. 14:95(G) acting in the performance of his official duties.

14 (2) The provisions of this Section shall not apply to a person possessing a
15 firearm in accordance with a concealed handgun permit issued pursuant to R.S.
16 40:1379.1 or 1379.3 on the premises of an alcoholic beverage outlet which has been
17 issued a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of
18 Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950.

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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)]

Lopinto

HB No. 72

Abstract: Creates an exception to the crime of possession of a firearm in alcoholic beverage outlets for certain law enforcement officers and for concealed permit holders when the possession occurs on the premises of certain restaurants.

Present law provides that no person shall intentionally possess a firearm while on the premises of an alcoholic beverage outlet.

Present law defines "alcoholic beverage outlet" as any commercial establishment in which alcoholic beverages of either high or low alcoholic content are sold in individual servings for consumption on the premises, whether or not such sales are a primary or incidental purpose of the business of the establishment.

Present law provides an exception for the owner or lessee of an alcoholic beverage outlet, or an employee of such owner or lessee, or a law enforcement officer or other person vested with law enforcement authority acting in the performance of his official duties.

Proposed law retains present law except it removes the condition that the law enforcement officer is acting in the performance of his official duties.

Proposed law further provides an exception for certain retired and auxiliary law enforcement officers.

Proposed law provides for an exception for a person possessing a firearm in accordance with a concealed handgun permit or law enforcement officers on the premises of an alcoholic beverage outlet which has been issued a Class A-Restaurant permit.

(Amends R.S. 14:95.5(C))