

2022 Regular Session

HOUSE BILL NO. 483

BY REPRESENTATIVES TRAVIS JOHNSON, GAROFALO, AND MIGUEZ

WEAPONS/HANDGUNS: Provides relative to the restoration of gun rights

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(C)(6) and (10), relative to concealed handguns; to
3 provide relative to concealed handgun permits; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 40:1379.3(C)(6) and (10) are hereby amended and reenacted to read
6 as follows:

7 §1379.3. Statewide permits for concealed handguns; application procedures;
8 definitions

9 * * *

10 C. To qualify for a concealed handgun permit, a Louisiana resident shall:

11 * * *

12 (6) Not be ineligible to possess a firearm by virtue of having been convicted
13 of a felony. A conviction for a felony offense which has been expunged prior to
14 August 1, 2014, pursuant to the provisions of R.S. 44:9 or on or after August 1, 2014,
15 pursuant to Title XXXIV of the Code of Criminal Procedure shall not be considered
16 a conviction for the purposes of this Paragraph if ~~ten~~ five years have elapsed since
17 the completion of the resident's probation, parole, or suspended sentence. However,
18 the provisions of this Paragraph shall not apply to a person otherwise prohibited from
19 possessing a firearm by state law, nor to a conviction for a crime of violence as
20 defined in R.S. 14:2(B) even if that conviction has been expunged. A conviction for

1 which a person has been pardoned by the governor shall not be considered a
2 conviction for purposes of this Paragraph, unless that pardon expressly provides that
3 the person may not ship, transport, possess, or receive firearms.

4 * * *

5 (10) Not have been convicted of, have entered a plea of guilty or nolo
6 contendere to, or not be charged under indictment or a bill of information for any
7 crime of violence or any crime punishable by imprisonment for a term of one year
8 or greater. However, a person who has been convicted of a violation of 18 U.S.C.
9 491(a) shall be permitted to qualify for a concealed handgun permit if fifteen or more
10 years has elapsed between the date of application and the successful completion or
11 service of any sentence, deferred adjudication, or period of probation or parole. A
12 conviction for a felony offense which has been expunged prior to August 1, 2014,
13 pursuant to the provisions of R.S. 44:9 or on or after August 1, 2014, pursuant to
14 Title XXXIV of the Code of Criminal Procedure shall not be considered a conviction
15 for the purposes of this Paragraph if ~~ten~~ five years have elapsed since the completion
16 of the resident's probation, parole, or suspended sentence. However, the provisions
17 of this Paragraph shall not apply to a person otherwise prohibited from possessing
18 a firearm by state law, nor to a conviction for a crime of violence as defined in R.S.
19 14:2(B) even if that conviction has been expunged. A conviction for which a person
20 has been pardoned by the governor shall not be considered a conviction for purposes
21 of this Paragraph, unless that pardon expressly provides that the person may not ship,
22 transport, possess, or receive firearms.

23 * * *

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 483 Engrossed 2022 Regular Session Travis Johnson

Abstract: Changes the amount of time required to lapse before a person with a felony conviction is allowed to possess a concealed weapon or apply for a concealed handgun permit from 10 years to five years.

Present law (R.S. 40:1379.3) provides that a person is ineligible for a concealed handgun permit if he has been convicted of a felony offense even if the conviction has been expunged.

Proposed law retains present law and adds that a person otherwise prohibited from possessing a firearm by state law is ineligible for a concealed handgun permit.

Present law further provides that to qualify for a concealed handgun permit, a La. resident shall not have been convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or greater.

Proposed law retains present law and adds that a person otherwise prohibited from possessing a firearm by state law is ineligible for a concealed handgun permit.

Present law provides that a person who has been convicted of a violation of 18 U.S.C. 491(a) shall be permitted to qualify for a concealed handgun permit if 15 or more years has elapsed between the date of application and the successful completion or service of any sentence, deferred adjudication, or period of probation or parole.

Proposed law repeals present law.

Present law provides that a person who has obtained an expungement for a felony conviction shall not be considered ineligible to obtain a concealed handgun permit if:

- (1) The person's felony conviction was not for a crime of violence and 10 years have elapsed since the completion of the person's probation, parole, or suspended sentence.
- (2) The person has been pardoned by the governor and the pardon does not expressly prohibit the person from shipping, transporting, possessing, or receiving firearms.

Proposed law retains present law and changes the time period from 10 years to five years with regard to the time elapsed since the completion of the person's probation, parole, or suspended sentence.

(Amends R.S. 40:1379.3(C)(6) and (10))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Remove the 15-year waiting period for a person who has violated 18 U.S.C. 491(a).
3. Delete provisions referring to R.S. 14:95.1.
4. Add language that clarifies that the proposed law waiting period of five years pertaining to eligibility for a concealed handgun permit is not applicable to a person otherwise prohibited from possessing a firearm by state law.