

2022 Regular Session

SENATE BILL NO. 143

BY SENATORS MORRIS AND CATHEY

WEAPONS. Provides relative to the concealed carrying of firearms. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(B)(2) and (I)(1) and (2), and to enact R.S. 14:95(M)

3 and R.S. 40:1379.3.3, relative to the illegal carrying of weapons; to exempt certain

4 persons from the crime of illegal carrying of weapons under certain circumstances;

5 to provide for concealed weapon permits; to provide for exceptions; to provide

6 relative to the completion of a sixty-minute online concealed handgun education

7 course; to provide relative to a database of licensed firearm and handgun instructors;

8 to provide relative to blood alcohol readings; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:95(M) is hereby enacted to read as follows:

11 §95. Illegal carrying of weapons

12 * * *

13 **M. The provisions of Paragraph (A)(1) of this Section shall not apply to**
14 **a resident of Louisiana if all of the following conditions are met:**

15 **(1) The person is twenty-one years of age or older.**

16 **(2) The person is not prohibited from possessing a firearm under R.S.**
17 **14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state**

1 or federal law.

2 (3) The person is a reserve or active-duty member of any branch of the
3 United States Armed Forces with no pending disciplinary proceedings; a
4 reserve or active-duty member of the Louisiana National Guard or the
5 Louisiana Air National Guard with no pending disciplinary proceedings; or a
6 former member of any branch of the United States Armed Forces, the Louisiana
7 National Guard, or the Louisiana Air National Guard who has been honorably
8 discharged from service.

9 Section 2. R.S. 40:1379.3(B)(2) and (I)(1) and (2) are hereby amended and reenacted
10 and R.S. 40:1379.3.3 is hereby enacted to read as follows:

11 §1379.3. Statewide permits for concealed handguns; application procedures;
12 definitions

13 * * *

14 B. * * *

15 (2) A Louisiana resident ~~shall be required to possess a valid concealed~~
16 ~~handgun permit issued by the state of Louisiana pursuant to the provisions of this~~
17 ~~Section in order to carry a concealed handgun in the state of Louisiana~~ who meets
18 the qualifications of R.S. 14:95(M) shall not be required to possess a valid
19 concealed handgun permit issued by the state of Louisiana pursuant to the
20 provisions of this Section in order to carry a concealed handgun in the state of
21 Louisiana. The provisions of this Paragraph shall not affect the requirements
22 of reciprocity as provided in Subsection T of this Section.

23 * * *

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

1 blood alcohol reading of .05 percent or greater by weight of alcohol in the blood, or
 2 when a blood test or urine test shows any confirmed presence of a controlled
 3 dangerous substance as defined in R.S. 40:961 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
 6 officer who approaches the permittee 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 that the individual is under the influence
 11 of either alcohol or a controlled dangerous substance, the law enforcement officer
 12 may take temporary possession of the handgun and request submission of the
 13 individual to a department certified chemical test for determination of the chemical
 14 status of the individual. Whenever a law enforcement officer is made aware that an
 15 individual is behaving in a criminally negligent manner as defined under the
 16 provisions of this Section, or is negligent in the carrying of a concealed handgun as
 17 provided for in R.S. 40:1382, the law enforcement officer may seize the handgun,
 18 until adjudication by a judge, if the individual is issued a summons or arrested under
 19 the provisions of R.S. 40:1382. Failure by the permittee to comply with the
 20 provisions of this Paragraph shall result in a six-month automatic suspension of the
 21 permit.

22 * * *

23 **§1379.3.3. Louisiana permitless carry**

24 **A. The Department of Public Safety and Corrections, office of state**
 25 **police, shall provide a sixty-minute online concealed handgun education course**
 26 **at no cost to Louisiana residents.**

27 **B. The concealed handgun education course shall cover the following**
 28 **topics:**

29 **(1) Concealed handgun basics and nomenclature.**

1 **(2) Firearm-free zones.**

2 **(3) Use of deadly force.**

3 **(4) Interactions with law enforcement officers.**

4 **C. The sixty-minute concealed handgun education course does not fulfill**
 5 **the requirements for obtaining a concealed handgun permit under R.S.**
 6 **40:1379.3.**

7 **D. State police shall maintain an online database of all licensed handgun**
 8 **and firearm instructors to allow the public to search for classes.**

9 **E. The Department of Public Safety and Corrections, office of state**
 10 **police, shall promulgate rules and regulations in accordance with the**
 11 **Administrative Procedure Act to implement the provisions of this Section.**

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 143 Engrossed

2022 Regular Session

Morris

Present law provides for the crime of "illegal carrying of weapons" in part as the intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon by a person.

Present law provides for certain exceptions to the crime of illegal carrying of weapons, including for those La. residents issued a concealed handgun permit by the Dept. of Public Safety and Corrections.

Proposed law creates an additional exception for any La. resident who does not possess a concealed handgun permit but otherwise meets the same eligibility requirements as those who do possess a concealed handgun permit, if the resident is a reserve or active-duty member of any branch of the U.S. Armed Forces with no pending disciplinary proceedings; a reserve or active-duty member of the La. National Guard or the La. Air National Guard with no pending disciplinary proceedings; or a former member of any branch of the U.S. Armed Forces, the La. National Guard, or the La. Air National Guard who has been honorably discharged from service.

Present law prohibits a concealed handgun permit holder from carrying and concealing a handgun while under the influence of alcohol or a controlled dangerous substance.

Proposed law extends the prohibition from carrying and concealing a handgun while under the influence of alcohol or a controlled dangerous substance to nonpermitted but otherwise legal carriers.

Present law requires a concealed handgun permit holder to notify any police officer who approaches the permittee in an official manner or with an identified official purpose that he has a weapon on his person, submit to a pat-down, and allow the officer to temporarily disarm him.

Proposed law extends the notification requirement to nonpermitted but otherwise legal carriers.

Proposed law requires state police to provide a 60-minute online concealed handgun education course.

Proposed law requires state police to maintain an online database of all licensed handgun and firearm instructors to be made available to the public.

Effective August 1, 2022.

(Amends R.S. 40:1379.3(B)(2) and (I)(1) and (2); adds R.S. 14:95(M) and R.S. 40:1379.3.3))