

2016 Regular Session

HOUSE BILL NO. 318

BY REPRESENTATIVE IVEY

WEAPONS/HANDGUNS: Creates the crime of failure to identify the possession of a concealed handgun to a law enforcement officer

1 AN ACT

2 To enact R.S. 14:95.11, relative to concealed handguns; to create the crime of failure to
3 identify the possession of a concealed handgun to a law enforcement officer; to
4 provide criminal penalties; to provide definitions; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:95.11 is hereby enacted to read as follows:

7 §95.11. Failure to identify the possession of a concealed handgun to a law
8 enforcement officer

9 A. A person who is authorized to possess and conceal a handgun pursuant
10 to the provisions of R.S. 14:95(G), (H), or (K) or pursuant to the provisions of R.S.
11 40:1379.1.1 or 1379.3 shall notify as soon as is practical any uniformed law
12 enforcement officer who approaches that person in the official performance of his
13 duties that he has a weapon on his person, submit to a pat down, and allow the
14 officer to temporarily disarm him.

15 B. Whoever commits the offense of failure to identify the possession of a
16 concealed handgun to a law enforcement officer as provided for in Subsection A of
17 this Section shall be fined not more than one thousand dollars. The adjudicating
18 judge may also order the forfeiture of the handgun and may suspend or revoke any
19 permit or license authorizing the carrying of the handgun.

1 C.(1) For purposes of this Section, "law enforcement officer" shall include
2 commissioned police officers, sheriffs, deputy sheriffs, marshals, deputy marshals,
3 correctional officers, constables, wildlife enforcement agents, park wardens,
4 livestock brand inspectors, forestry officers, attorney general investigators, district
5 attorney investigators, inspector general investigators, and probation and parole
6 officers.

7 (2) The definition of a "peace officer" as provided for in this Section shall
8 be strictly construed solely for the purposes of this Section and shall not be construed
9 as granting the authority to any agency not defined as a "peace officer" pursuant to
10 the provisions of R.S. 40:2402 to make arrests, perform search and seizures, execute
11 criminal warrants, prevent and detect crime, and enforce the laws of this state.

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 318 Original

2016 Regular Session

Ivey

Abstract: Creates the crime of failure to identify the possession of a concealed handgun to a law enforcement officer.

Proposed law requires a person who is authorized to possess a concealed handgun under present law to notify as soon as is practical any uniformed law enforcement officer who approaches that person in the official performance of his duties that he has a weapon on his person, submit to a pat down, and allow the officer to temporarily disarm him.

Proposed law provides penalties for failure to notify a law enforcement officer of the possession of a concealed handgun of a fine not to exceed \$1,000.

(Adds R.S. 14:95.11)