

2018 Regular Session

HOUSE BILL NO. 271

BY REPRESENTATIVE GAROFALO

WEAPONS/FIREARMS: Provides for the carrying of a concealed handgun on school property by certain teachers or administrators

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(N)(11) and to enact R.S. 14:95.2(C)(9) and (H),
3 relative to carrying a firearm on school property; to provide an exception for
4 administrators and teachers on the campus of an elementary, secondary, or high
5 school campus who possess a concealed handgun permit; to create exceptions
6 regarding where concealed handguns may be carried; to provide for additional
7 qualifications; to provide for conditions; to provide for applicability; and to provide
8 for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:95.2(C)(9) and (H) are hereby enacted to read as follows:

11 §95.2. Carrying a firearm or dangerous weapon by a student or nonstudent on
12 school property, at school-sponsored functions, or in a firearm-free zone

13 * * *

14 C. The provisions of this Section shall not apply to:

15 * * *

16 (9) A teacher or administrator of an elementary, secondary, or high school
17 who meets the qualifications and complies with all conditions and restrictions set
18 forth in Subsection H of this Section.

19 * * *

1 H.(1) A teacher or administrator of an elementary, secondary, or high school
2 who has been issued a concealed handgun permit pursuant to R.S. 40:1379.1 or
3 1379.3 is authorized to carry a concealed handgun while on school property, at a
4 school-sponsored function, or in a firearm-free zone where the teacher or
5 administrator is employed if all of the following conditions are met:

6 (a) The teacher or administrator has obtained authorization from the school
7 governing body or administration to carry a concealed handgun on school property,
8 at a school-sponsored function, or in a firearm-free zone where the teacher or
9 administrator is employed.

10 (b) The teacher or administrator shall complete a course in basic school
11 policing in a program approved by the Council on Peace Officer Standards and
12 Training prior to carrying a concealed handgun pursuant to the provisions of this
13 Subsection. The training shall include but not be limited to instruction in crisis
14 management, active shooter scenarios, hostile situations, gun safety and control, and
15 accident prevention.

16 (c) The teacher or administrator shall be qualified in the use of firearms by
17 the Council on Peace Officer Standards and Training prior to carrying a concealed
18 handgun pursuant to the provisions of this Subsection, and shall be re-qualified
19 annually.

20 (d) The teacher or administrator shall certify that he has met the following
21 qualifications set forth in R.S. 40:1379.3(C)(5) and (13) that are necessary to be
22 issued a concealed handgun permit:

23 (i) That he does not suffer from a mental or physical infirmity due to disease,
24 illness, or intellectual disability which prevents the safe handling of a handgun.

25 (ii) That he has not been adjudicated to be mentally deficient or been
26 committed to a mental institution, unless his right to possess a firearm has been
27 restored pursuant to R.S. 28:57.

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 271 Original

2018 Regular Session

Garofalo

Abstract: Creates an exception to the crime of carrying a firearm on a school campus for authorized teachers or administrators of those schools who possess a concealed handgun permit and who meet certain qualifications and conditions.

Present law (R.S.14:95.2) prohibits the carrying of firearms on school property and provides for certain exceptions to this prohibition.

Present law (R.S. 40:1379.3) provides for the issuance of a concealed handgun permit for a person who meets certain eligibility and training requirements. Present law provides that a concealed handgun permit does not authorize nor entitle the permit holder to carry a concealed handgun in certain places, including into a school, school campus, or a school bus.

Proposed law amends present law (R.S. 14:95.2 and R.S. 40:1379.3) to authorize a teacher or administrator of an elementary, secondary, or high school who has been issued a concealed handgun permit to carry a concealed handgun on school property, at a school-sponsored function, or in a firearm-free zone where the teacher or administrator is employed if the teacher or administrator meets the following qualifications and conditions:

- (1) The teacher or administrator has obtained authorization from the school governing body or administration to carry a concealed handgun on school property, at a school-sponsored function, or in a firearm-free zone where the teacher or administrator is employed.
- (2) The teacher or administrator shall complete a course in basic school policing in a program approved by the Council on Peace Officer Standards and Training which shall include instruction in crisis management, active shooter scenarios, hostile situations, gun safety and control, and accident prevention.
- (3) The teacher or administrator shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training.
- (4) The teacher or administrator shall certify that he has met certain qualifications relative to mental health that are necessary to be issued a concealed handgun permit pursuant to present law.

Proposed law requires the cost of the firearm and ammunition to be at the expense of the teacher or administrator authorized to carry the concealed handgun pursuant to proposed law.

Proposed law requires the governing body or administration for each school to compile a list of each person authorized to carry a concealed handgun pursuant to proposed law, and to provide the list to the head of the law enforcement agency of the parish and municipality in which the school is located.

For the teacher or administrator who carries the concealed handgun pursuant to these provisions, proposed law provides immunity from civil liability for damages that arise as a result of his carrying a concealed handgun, except for grossly negligent acts or omissions or acts of willful or wanton misconduct.

Proposed law shall not be construed to limit the right of a school governing body or administration to prohibit or restrict access of those persons possessing a concealed handgun permit from carrying a firearm on school property.

(Amends R.S. 40:1379.3(N)(11); Adds R.S. 14:95.2(C)(9) and (H))