

SENATE BILL NO. 118

BY SENATORS MORRIS, CATHEY, CLOUD, FESI, HEWITT, ROBERT MILLS, PEACOCK, WHITE AND WOMACK AND REPRESENTATIVES AMEDEE, BACALA, CARRIER, CORMIER, CREWS, DEVILLIER, EDMONDS, EMERSON, FIRMENT, FONTENOT, FRIEMAN, GADBERRY, GAROFALO, HARRIS, HORTON, IVEY, MIKE JOHNSON, TRAVIS JOHNSON, MCCORMICK, MCFARLAND, MIGUEZ, ORGERON, CHARLES OWEN, ROBERT OWEN, RISER, SCHAMERHORN, SEABAUGH, THOMPSON AND WHEAT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 40:1379.3(B) and (I)(1) and (2), and to enact R.S. 14:95(M) and R.S. 40:1379.3.3, relative to the illegal carrying of weapons; to exempt certain persons from the crime of illegal carrying of weapons under certain circumstances; to provide for concealed weapon permits; to provide for exceptions; to provide relative to the completion of a sixty-minute online concealed handgun education course; to provide relative to a database of licensed firearm and handgun instructors; to provide relative to blood alcohol readings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

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

§95. Illegal carrying of weapons

* * *

M. The provisions of Paragraph (A)(1) of this Section shall not apply to any person if both of the following conditions are met:

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

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

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

1 §1379.3. Statewide permits for concealed handguns; application procedures;
 2 definitions

3 * * *

4 B.(1) A concealed handgun permit shall be issued only to a Louisiana
 5 resident who qualifies for a permit under the provisions of this Section. A concealed
 6 handgun permit issued pursuant to the provisions of this Section shall grant authority
 7 to a Louisiana resident to carry a concealed handgun on his person.

8 (2) A Louisiana resident ~~shall be required to possess a valid concealed~~
 9 ~~handgun permit issued by the state of Louisiana pursuant to the provisions of this~~
 10 ~~Section in order to carry a concealed handgun in the state of Louisiana~~ **who meets**
 11 **the qualifications of R.S. 14:95(M) shall not be required to possess a valid**
 12 **concealed handgun permit issued by the state of Louisiana pursuant to the**
 13 **provisions of this Section in order to carry a concealed handgun in the state of**
 14 **Louisiana. The provisions of this Subsection shall not affect the requirements**
 15 **of reciprocity as provided in Subsection T of this Section.**

16 * * *

17 I.(1) No individual to whom a concealed handgun permit is issued **or a**
 18 **person carrying a weapon pursuant to R.S. 14:95(M)** may carry and conceal such
 19 handgun while under the influence of alcohol or a controlled dangerous substance.
 20 While a permittee is under the influence of alcohol or a controlled dangerous
 21 substance, an otherwise lawful permit is considered automatically suspended and is
 22 not valid. A permittee shall be considered under the influence as evidenced by a
 23 blood alcohol reading of .05 percent or greater by weight of alcohol in the blood, or
 24 when a blood test or urine test shows any confirmed presence of a controlled
 25 dangerous substance as defined in R.S. 40:961 and 964.

26 (2) A permittee armed with a handgun in accordance with this Section **or a**
 27 **person carrying a weapon pursuant to R.S. 14:95(M)** shall notify any police
 28 officer who approaches the permittee in an official manner or with an identified
 29 official purpose that he has a weapon on his person, submit to a pat down, and allow
 30 the officer to temporarily disarm him. Whenever a law enforcement officer is made

1 aware that an individual is carrying a concealed handgun and the law enforcement
 2 officer has reasonable grounds to believe that the individual is under the influence
 3 of either alcohol or a controlled dangerous substance, the law enforcement officer
 4 may take temporary possession of the handgun and request submission of the
 5 individual to a department certified chemical test for determination of the chemical
 6 status of the individual. Whenever a law enforcement officer is made aware that an
 7 individual is behaving in a criminally negligent manner as defined under the
 8 provisions of this Section, or is negligent in the carrying of a concealed handgun as
 9 provided for in R.S. 40:1382, the law enforcement officer may seize the handgun,
 10 until adjudication by a judge, if the individual is issued a summons or arrested under
 11 the provisions of R.S. 40:1382. Failure by the permittee to comply with the
 12 provisions of this Paragraph shall result in a six-month automatic suspension of the
 13 permit.

14 * * *

15 **§1379.3.3. Louisiana permitless carry**

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

19 **B. The concealed handgun education course shall cover the following**
 20 **topics:**

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

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

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

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

25 **C. The sixty-minute concealed handgun education course provided by**
 26 **this Section does not fulfill the requirements for obtaining a concealed handgun**
 27 **permit under R.S. 40:1379.3.**

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

30 **E. The Department of Public Safety and Corrections, office of state**

1 police, shall promulgate rules and regulations in accordance with the
2 Administrative Procedure Act to implement the provisions of this Section.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____