

2024 Second Extraordinary Session

SENATE BILL NO. 2

BY SENATORS MIGUEZ AND BASS AND REPRESENTATIVES BEAULLIEU AND
MIKE JOHNSON

LIABILITY. Provides relative to liability for persons authorized to carry a concealed handgun. (gov sig) (Item #19)

1 AN ACT

2 To enact R.S. 9:2793.12, relative to liability of persons authorized to carry a concealed

3 handgun; to provide with respect to persons authorized to own, possess, use, or carry

4 a concealed handgun; to provide relative to immunity from civil liability; to provide

5 for definitions; to provide for exceptions; to provide for an effective date; and to

6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2793.12 is hereby enacted to read as follows:

9 **§2793.12. Limitation of liability; concealed handgun permit; definitions;**

10 **exceptions**

11 **A. As used in this Section, the term "authorized person" means any**

12 **person authorized to own, possess, use, or carry a concealed handgun pursuant**

13 **to provisions of R.S. 40:1379.1, 1379.1.1, 1379.1.3, 1379.1.4, 1379.3, and 1379.3.2.**

14 **B. An authorized person as defined in this Section shall have no liability**

15 **imposed on him based upon the conduct or actions of the authorized person in**

16 **relation to the ownership, possession, use, or carrying of a concealed handgun.**

17 **C. The provisions of Subsection B of this Section shall not be applicable**

1 **to the following:**

2 **(1) Acts or omissions that constitute gross negligence or intentional**
 3 **misconduct, or that result in a valid and final felony conviction in this state.**

4 **(2) Any person without authorization pursuant to Subsection A of this**
 5 **Section at the time of the events giving rise to a claim.**

6 **D. Nothing in this Section shall be construed to limit or abrogate other**
 7 **immunities, limitations on liability, or defenses provided for in any other**
 8 **provision of law.**

9 **E. Nothing in this Section shall be construed to limit third party liability**
 10 **and property damage exposure from a criminal actor's contributory negligence**
 11 **that causes the lawful actions of the individual claiming limitation of liability.**

12 Section 2. This Act shall become effective upon signature by the governor or, if not
 13 signed by the governor, upon expiration of the time for bills to become law without signature
 14 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
 15 vetoed by the governor and subsequently approved by the legislature, this Act shall become
 16 effective on the day following such approval.

The original instrument was prepared by Hanna Gettys. The following digest,
 which does not constitute a part of the legislative instrument, was prepared
 by Alan Miller.

DIGEST

SB 2 Engrossed

2024 Second Extraordinary Session

Miguez

Proposed law defines the term "authorized person" as any person authorized to own, possess, use, or carry a concealed handgun pursuant to certain provisions of present law including provisions relative to a special officer's commission, a concealed handgun permit issued by a sheriff, a qualified law enforcement officer, a qualified retired law enforcement officer, a concealed handgun statewide permit holder, and a temporary concealed handgun permit holder.

Proposed law prohibits liability from being imposed on any authorized person based upon his conduct or actions in relation to the ownership, possession, use, or carrying of a concealed handgun.

Proposed law provides for exceptions to proposed law in the following circumstances:

- (1) Acts or omissions that constitute gross negligence or intentional misconduct or that result in a valid and final felony conviction in this state.
- (2) Any person without authorization pursuant to proposed law at the time of the events giving rise to a claim.

Proposed law prohibits anything in proposed law from being construed to limit or abrogate other immunities, limitations on liability, or defenses provided for in any other provision of law.

Proposed law provides that nothing in proposed law be construed to limit third party liability and property damage exposure from a criminal actor's contributory negligence that causes the lawful actions of the individual claiming limitation of liability.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 9:2793.12)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

- (1) Makes technical changes.
- (2) Limits who qualifies as an "authorized person" as defined in proposed law.
- (3) Limits applicability of exception to limitation of liability for authorized person to only acts or omissions that constitute gross negligence or intentional misconduct or that result in a valid and final felony conviction in this state.
- (4) Adds provision providing that nothing in proposed law be construed to limit third party liability and property damage exposure.