

2021 Regular Session

HOUSE BILL NO. 596

BY REPRESENTATIVES FONTENOT, BACALA, BUTLER, CARRIER, CORMIER, CREWS, DEVILLIER, EDMONDS, EMERSON, FARNUM, FIRMENT, FRIEMAN, GADBERRY, GAROFALO, GEYMAN, HARRIS, HORTON, ILLG, MIKE JOHNSON, TRAVIS JOHNSON, MACK, MIGUEZ, ORGERON, CHARLES OWEN, ROMERO, SCHAMERHORN, SCHEXNAYDER, SEABAUGH, WRIGHT, AND ZERINGUE

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

WEAPONS/HANDGUNS: Provides relative to the concealed carrying of firearms

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; to provide relative to

5 concealed handgun permits; to provide relative to the authority of a person to carry

6 a concealed handgun without a permit; to provide relative to the completion of a

7 sixty-minute online concealed handgun education course in order to carry a

8 concealed handgun without a permit; to provide relative to a database of licensed

9 firearm and handgun instructors; to provide relative to blood alcohol readings; and

10 to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

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

13 §95. Illegal carrying of weapons

14 \* \* \*

15 M. The provisions of Paragraph (A)(1) of this Section shall not apply to a

16 person if all of the following conditions are met:

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

2           (2) The person is not prohibited from possessing a firearm under R.S.  
3           14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state or  
4           federal law.

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

7           §1379.3. Statewide permits for concealed handguns; application procedures;  
8           definitions

9   \*       \*       \*

10          B.

11   \*       \*       \*

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

20   \*       \*       \*

21           I.(1) No individual to whom a concealed handgun permit is issued or a  
22           person carrying a weapon pursuant to R.S. 14:95(M) may carry and conceal such  
23           handgun while under the influence of alcohol or a controlled dangerous substance.  
24           While a permittee person is under the influence of alcohol or a controlled dangerous  
25           substance, an otherwise lawful permit is considered automatically suspended and is  
26           not valid. A permittee person shall be considered under the influence as evidenced  
27           by a blood alcohol reading of ~~.05~~ .08 percent or greater by weight of alcohol in the  
28           blood, or when a blood test or urine test shows any confirmed presence of a  
29           controlled dangerous substance as defined in R.S. 40:961 and 964.

1           (2) A ~~permittee person~~ armed with a handgun in accordance with this  
2 Section or a person carrying a weapon pursuant to R.S. 14:95(M) shall notify any  
3 police officer who approaches the ~~permittee person~~ in an official manner or with an  
4 identified official purpose that he has a weapon on his person, submit to a pat down,  
5 and allow the officer to temporarily disarm him. Whenever a law enforcement  
6 officer is made aware that an individual is carrying a concealed handgun and the law  
7 enforcement officer has reasonable grounds to believe that the individual is under the  
8 influence of either alcohol or a controlled dangerous substance, the law enforcement  
9 officer may take temporary possession of the handgun and request submission of the  
10 individual to a department certified chemical test for determination of the chemical  
11 status of the individual. Whenever a law enforcement officer is made aware that an  
12 individual is behaving in a criminally negligent manner as defined under the  
13 provisions of this Section, or is negligent in the carrying of a concealed handgun as  
14 provided for in R.S. 40:1382, the law enforcement officer may seize the handgun,  
15 until adjudication by a judge, if the individual is issued a summons or arrested under  
16 the provisions of R.S. 40:1382. Failure by the ~~permittee person~~ to comply with the  
17 provisions of this Paragraph shall result in a six-month automatic suspension of the  
18 permit.

\* \* \*

20 §1379.3.3. Louisiana permitless carry

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

24 B. The concealed handgun education course shall cover the following topics:

- 25 (1) Concealed handgun basics and nomenclature.
- 26 (2) Firearm free zones.
- 27 (3) Use of deadly force.
- 28 (4) Interactions with law enforcement officers.

1           C. The sixty-minute concealed handgun education course provided by this  
2           Section does not fulfill the requirements for obtaining a Concealed Handgun Permit  
3           under R.S. 40:1379.3.

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

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

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#### 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)]

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HB 596 Reengrossed

2021 Regular Session

Fontenot

**Abstract:** Exempts certain persons from the crime of illegal carrying of weapons, removes the requirement that a La. resident possess a permit issued by the state of La. in order to carry a concealed handgun in the state of La., requires state police to provide a 60-minute course at no cost to La. residents, requires state police to maintain and make available to the public a database of all licensed firearm and handgun instructors.

Present law (R.S. 14:95) prohibits the carrying of a concealed firearm, provides for criminal penalties, and provides for certain exceptions to the offense.

Proposed law creates an exception to this prohibition for a person who is 21 years of age or older and who is not prohibited from possessing a firearm under any federal or state law.

Present law (R.S. 40:1379.3) provides that La. residents who meet certain eligibility requirements may apply for and be issued a concealed handgun permit authorizing the person to carry a concealed handgun on his person in the state of La.

Present law requires the person to possess a valid concealed handgun permit issued by the state of La. in order to carry a concealed handgun in the state of La.

Proposed law removes present law requirement that a resident of La. possess a permit issued by the state of La. in order to carry a concealed handgun in the state of La.

Proposed law provides that an individual who meets the qualifications of R.S. 14:95(M) shall not be required to possess a valid concealed handgun permit issued by the state of Louisiana.

Proposed law specifies that proposed law shall not affect present law reciprocity requirements.

Present law provides that no individual with a concealed handgun permit may carry and conceal while under the influence of alcohol or a controlled dangerous substance.

Present law further provides that a person with a concealed handgun permit shall notify the officer, when approached 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 retains present law and includes individuals carrying a concealed handgun pursuant to proposed law.

Proposed law requires state police to provide a 60-minute online concealed handgun education course at no cost to Louisiana residents to include the following topics:

- (1) Concealed handgun basics and nomenclature.
- (2) Firearm free zones.
- (3) Use of deadly force.
- (4) Interactions with law enforcement officers.

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

(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)

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes to the citations.
2. Expand the list of provisions that prohibit a person from possessing a firearm.
3. Specify that a La. resident who meets proposed law qualifications shall not be required to possess a permit and further specify that proposed law provisions shall not affect present law reciprocity requirements.
4. Specify that no individual carrying a concealed handgun pursuant to proposed law may carry while under the influence of alcohol or a controlled dangerous substance.
5. Specify that a person carrying a concealed handgun pursuant to proposed law shall notify the police officer that he has a weapon on his person, shall submit to a pat down, and shall allow the officer to temporarily disarm him.
6. Require state police to provide a 60-minute online concealed handgun education course.
7. Require state police to maintain a database of all licensed handgun and firearm instructors to be made available to the public.