

ACT No. 212

2016 Regular Session

HOUSE BILL NO. 142

BY REPRESENTATIVES MIGUEZ, ADAMS, AMEDEE, ARMES, BACALA, BAGLEY, BARRAS, BERTHELOT, BISHOP, CHAD BROWN, STEVE CARTER, CONNICK, COUSSAN, CROMER, DAVIS, DEVILLIER, EDMONDS, FALCONER, GAROFALO, GISCLAIR, GUINN, HAVARD, HILL, HORTON, HOWARD, HUNTER, IVEY, MIKE JOHNSON, LOPINTO, MAGEE, MCFARLAND, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, STOKES, WHITE, WILLMOTT, AND ZERINGUE

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(C)(6) and (10), relative to concealed handgun permits;
3 to provide with respect to eligibility to obtain a concealed handgun permit; to
4 provide that persons convicted of certain offenses are not ineligible to obtain a
5 concealed handgun permit; to provide for applicability; to provide limitations; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1379.3(C)(6) and (10) are hereby amended and reenacted to read
9 as follows:

10 §1379.3. Statewide permits for concealed handguns; application procedures;
11 definitions

12 * * *

13 C. To qualify for a concealed handgun permit, a Louisiana resident shall:

14 * * *

15 (6) Not be ineligible to possess a firearm by virtue of having been convicted
16 of a felony. A conviction for a felony offense which has been expunged prior to
17 August 1, 2014, pursuant to the provisions of R.S. 44:9 or on or after August 1, 2014,

1 pursuant to Title XXXIV of the Code of Criminal Procedure shall not be considered
 2 a conviction for the purposes of this Paragraph if ten years have elapsed since the
 3 completion of the resident's probation, parole, or suspended sentence. However, the
 4 provisions of this Paragraph shall not apply to a conviction for a crime of violence
 5 as defined in R.S. 14:2(B) even if that conviction has been expunged. A conviction
 6 for which a person has been pardoned by the governor shall not be considered a
 7 conviction for purposes of this Paragraph, unless that pardon expressly provides that
 8 the person may not ship, transport, possess, or receive firearms.

9 * * *

10 (10) Not have been convicted of, have entered a plea of guilty or nolo
 11 contendere to, or not be charged under indictment or a bill of information for any
 12 crime of violence or any crime punishable by imprisonment for a term of one year
 13 or greater. ~~A conviction, plea of guilty, or plea of nolo contendere under this~~
 14 ~~Paragraph shall include an expungement of such conviction or a dismissal and~~
 15 ~~conviction set aside under the provisions of Code of Criminal Procedure Article 893.~~
 16 However, a person who has been convicted of a violation of 18 U.S.C. 491(a) shall
 17 be permitted to qualify for a concealed handgun permit if fifteen or more years has
 18 elapsed between the date of application and the successful completion or service of
 19 any sentence, deferred adjudication, or period of probation or parole. A conviction
 20 for a felony offense which has been expunged prior to August 1, 2014, pursuant to
 21 the provisions of R.S. 44:9 or on or after August 1, 2014, pursuant to Title XXXIV
 22 of the Code of Criminal Procedure shall not be considered a conviction for the
 23 purposes of this Paragraph if ten years have elapsed since the completion of the
 24 resident's probation, parole, or suspended sentence. However, the provisions of this
 25 Paragraph shall not apply to a conviction for a crime of violence as defined in R.S.
 26 14:2(B) even if that conviction has been expunged. A conviction for which a person
 27 has been pardoned by the governor shall not be considered a conviction for purposes

