

Regular Session, 2010

SENATE BILL NO. 81

BY SENATORS MARTINY AND THOMPSON

WEAPONS. Changes restrictions on statewide concealed handgun permits and adds an exception from criminal acts. (8/15/10)

1 AN ACT

2 To amend and reenact R.S. 14:95.2(C)(4) and R.S. 40:1379.3(C)(10) and (N)(11), relative
3 to concealed handguns; to provide for prohibitions on statewide concealed handgun
4 permits; to provide exception in criminal acts; to provide for certain qualifications;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95.2(C)(4) is hereby amended and reenacted to read as follows:

8 §95.2. Carrying a firearm, or dangerous weapon, by a student or nonstudent on
9 school property, at school-sponsored functions or firearm-free zone

10 * * *

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

12 * * *

13 (4) The possession of a firearm occurring within one thousand feet of school
14 property and entirely on private property, or entirely within a private residence, or
15 in accordance with a concealed handgun permit issued pursuant to R.S. 40:1379.1
16 or R.S. 40:1379.3.

17 * * *

1 Section 2. R.S. 40:1379.3(C)(10) and (N)(11) are hereby amended and reenacted to
2 read as follows:

3 §1379.3. Statewide permits for concealed handguns; application procedures;
4 definitions

5 * * *

6 C. To qualify for a concealed handgun permit, a citizen shall:

7 * * *

8 (10) Not have been convicted of, have entered a plea of guilty or nolo
9 contendere to, or not be charged under indictment or a bill of information for any
10 crime of violence or any ~~crime~~ **felony offense** punishable by imprisonment for a
11 term ~~of one year or greater~~ **than one year**. A conviction, plea of guilty, or plea of
12 nolo contendere under this Paragraph shall include a dismissal and conviction set-
13 aside under the provisions of Code of Criminal Procedure Article 893.

14 * * *

15 N. No concealed handgun may be carried into and no concealed handgun
16 permit issued pursuant to this Section shall authorize or entitle a permittee to carry
17 a concealed handgun in any of the following:

18 * * *

19 (11) Any school, ~~"firearm-free zone"~~ **school campus, or school bus** as
20 defined in R.S. 14:95.6.

21 * * *

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Ann S. Brown.

DIGEST

Martiny (SB 81)

Present law regarding statewide concealed handgun permits, prohibits the carrying, and a permit from authorizing the carrying, of a firearm into a "school firearm-free zone" which is defined as an area inclusive of any school campus and within 1000 feet of any such school campus and within a school bus.

Proposed law changes the present law prohibition to prohibit the carrying, or the permit from authorizing the carrying, of a firearm into any school, school campus or school bus.

Present law criminalizes the carrying of a firearm in a school firearm-free zone.

Present law provides an exception from the criminal statute for all of the following:

- (1) A federal, state, or local law enforcement officer in the performance of his official duties.
- (2) A school official or employee acting during the normal course of his employment or a student acting under direction of such school official or employee.
- (3) A person having written permission of the principal.
- (4) The possession of firearm occurring within 1000 feet of school property and entirely on private property, or entirely within a private residence, or in accordance with a concealed handgun permit for special officers or a local concealed handgun permit.
- (5) Any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.
- (6) Any student carrying a firearm to or from a class, in which he is duly enrolled, that requires the use of the firearm in the class.
- (7) A student enrolled or participating in an activity requiring the use of a firearm including but not limited to any ROTC function under the authorization of a university.
- (8) A student who possesses a firearm in this dormitory room or while going to or from his vehicle or any other person with permission of the administration.

Proposed law adds an exception for statewide concealed handgun permittees in accordance with the permit.

Present law provides a list of qualifications a citizen must meet in order to qualify for a concealed handgun permit. One such qualification is that the citizen shall not be convicted of, have entered a plea of guilty or nolo contendere to, or not be charged under indictment, or a bill of information for any crime of violence or any crime punishable by imprisonment for a term of one year or more.

Proposed law changes present law qualification from a crime punishable by imprisonment for a term of one year or more to a felony offense punishable by imprisonment for a term of greater than one year.

Effective August 15, 2010.

(Amends R.S. 14:95.2(C)(4) and R.S. 40:1379.3(C)(10) and (N)(11))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill.

1. Changes present law listing of the type of crime a citizen shall not be guilty of, in order to qualify for a concealed handgun permit, from a crime punishable by imprisonment for a term of one year or more to a felony offense punishable by imprisonment for a term of greater than one year.