

Regular Session, 2014

SENATE BILL NO. 361

BY SENATOR RISER

LAW ENFORCEMENT. Provides for the carrying of concealed weapons by certain law enforcement officers in all public places. (8/1/14)

1 AN ACT

2 To enact R.S. 40:1379.1.2 and 1379.1.3, to provide relative to the carrying of concealed
3 firearms by law enforcement officers and retired law enforcement officers; to
4 authorize the carrying of concealed firearms by certain officers and former officers
5 in public places; to provide relative to accepted forms of identification; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1379.1.2 and 1379.1.3 are hereby enacted to read as follows:

9 **§1379.1.2. Carrying of concealed firearms by qualified law enforcement**
10 **officers**

11 **A. Notwithstanding any other provision of state law or any ordinance of**
12 **any political subdivision, an individual who is a qualified law enforcement**
13 **officer and who is carrying the identification required by his office as a law**
14 **enforcement officer, may carry a concealed firearm anywhere in the state,**
15 **including any place open to the public, whether the officer is off duty or not, and**
16 **regardless of whether the officer is engaged in the actual discharge of his duties.**

17 **B. As used in this Section, the term "qualified law enforcement officer"**

1 **means a law enforcement officer who is all of the following:**

2 **(1) Is an active, full-time employee of a state or municipal law**
3 **enforcement agency or sheriff's office and is certified in the use of firearms by**
4 **the Council on Peace Officer Standards and Training.**

5 **(2) Is authorized by law to engage in or supervise the prevention,**
6 **detection, investigation, or prosecution of, or the incarceration of any person**
7 **for, any violation of law, and has statutory powers of arrest or apprehension.**

8 **(3) Is authorized by the employing agency to carry a firearm in**
9 **accordance with the agency's rules and regulations.**

10 **(4) Is not the subject of any disciplinary action by the agency which could**
11 **result in suspension or loss of police powers.**

12 **(5) Meets standards, if any, established by the agency which require the**
13 **employee to regularly qualify in the use of a firearm.**

14 **(6) Is not under the influence of alcohol or another intoxicating or**
15 **hallucinatory drug or substance.**

16 **(7) Is not prohibited by federal law from receiving a firearm.**

17 **C. The identification required by this Subsection is the photographic**
18 **identification credential issued by the law enforcement agency for which the**
19 **individual is employed that identifies the employee as a law enforcement officer**
20 **of the agency.**

21 **§1379.1.3. Carrying of concealed firearms by qualified retired law enforcement**
22 **officers**

23 **A. Notwithstanding any other provision of law or any ordinance of any**
24 **political subdivision, an individual who is retired from service as a qualified law**
25 **enforcement officer and who is carrying the identification required by his office**
26 **as a retired law enforcement officer, may carry a concealed firearm anywhere**
27 **in the state, including any place open to the public.**

28 **B. As used in this Section, the term "qualified retired law enforcement**
29 **officer" means an individual who meets all of the following:**

1 **(1) Separated from service in good standing from a law enforcement**
2 **agency as a qualified law enforcement officer.**

3 **(2) Before such separation, was an active, full-time employee of a state**
4 **or municipal law enforcement agency or sheriff's office and is certified in the**
5 **use of firearms by the Council on Peace Officer Standards and Training.**

6 **(3) Was authorized by law to engage in or supervise the prevention,**
7 **detection, investigation, or prosecution of, or the incarceration of any person**
8 **for, any violation of law, and had statutory powers of arrest.**

9 **(4)(a) Before such separation, served as a law enforcement officer for an**
10 **aggregate of twelve years or more; or**

11 **(b) Separated from service with such agency after completing any**
12 **applicable probationary period of such service due to a service-connected**
13 **disability, as determined by such agency.**

14 **(5) Qualifies annually in the use of firearms by the Council on Peace**
15 **Officer Standards and Training and has proof of such certification.**

16 **(6)(a) Has not been officially found by a qualified medical professional**
17 **employed by the agency to be unqualified for reasons relating to mental health**
18 **and as a result of this finding will not be issued the photographic identification**
19 **as described in Subsection C of this Section; or**

20 **(b) Has not entered into an agreement with the agency from which the**
21 **individual separated from service in which that individual acknowledged he or**
22 **she was not qualified under this Section for reasons relating to mental health**
23 **and for those reasons did not receive or accept the photographic identification**
24 **as described in Subsection C of this Section.**

25 **(7) Is not under the influence of alcohol or another intoxicating or**
26 **hallucinatory drug or substance.**

27 **(8) Is not prohibited by federal law from receiving a firearm.**

28 **C. The identification required by this Section is the photographic**
29 **identification credential issued by the agency from which the individual**

- 1 **separated from service as a law enforcement officer that identifies the person**
2 **as having been employed as a law enforcement officer.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by James Benton.

DIGEST

Riser (SB 361)

Proposed law provides for the carrying of concealed firearms by qualified law enforcement officers and retired law enforcement officers in any place open to the public.

Proposed law provides that the term "qualified law enforcement officer" means:

- (1) Is an active, full-time employee of a state or municipal law enforcement agency or sheriff's office and is certified in the use of firearms by POST.
- (2) Is authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and has statutory powers of arrest or apprehension.
- (3) Is authorized by the employing agency to carry a firearm in accordance with the agency's rules and regulations.
- (4) Is not the subject of any disciplinary action by the agency which could result in suspension or loss of police powers.
- (5) Meets standards, if any, established by the agency which require the employee to regularly qualify in the use of a firearm.
- (6) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (7) Is not prohibited by federal law from receiving a firearm.

Proposed law provides that the term "qualified retired law enforcement officer" means an individual who:

- (1) Separated from service in good standing from a law enforcement agency as a qualified law enforcement officer;
- (2) Before such separation, was an active, full-time employee of a state or municipal law enforcement agency or sheriff's office and is certified in the use of firearms by POST.
- (3) Was authorized by law to engage in or supervise the prevention, detection, investigation, or prosecution of, or the incarceration of any person for, any violation of law, and had statutory powers of arrest.
- (4) Before such separation, served as a law enforcement officer for an aggregate of 12 years or more; or separated from service with such agency after completing any applicable probationary period of such service due to a service-connected disability, as determined by such agency.
- (5) Qualifies annually in the use of firearms by POST and has proof of such certification.

- (6) Has not been officially found by a qualified medical professional employed by the agency to be unqualified for reasons relating to mental health and as a result of this finding will not be issued the photographic identification; has not entered into an agreement with the agency from which the individual separated from service in which that individual acknowledged he or she was not qualified for reasons relating to mental health and for those reasons will not receive or accept the photographic identification.
- (7) Is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.
- (8) Is not prohibited by federal law from receiving a firearm.

Proposed law provides that the identification required by proposed law is the photographic identification credential issued by the law enforcement agency for which the individual is employed or has been employed that identifies the employee as a law enforcement officer of the agency or identifies the person as having been employed as a law enforcement officer.

Effective August 1, 2014.

(Adds R.S. 40:1379.1.2 and 1379.1.3)