

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, 1379.1.3, and 1379.1.4, 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, 1379.1.3, and 1379.1.4 are hereby enacted to read as
9 follows:

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

12 **A. Notwithstanding any other provision of state law or any ordinance of**
13 **any political subdivision and subject to the rules and regulations or policies of**
14 **the agency or office employing the individual, an individual who is a qualified**
15 **law enforcement officer and who is carrying the identification required by his**
16 **office as a law enforcement officer, may carry a concealed firearm anywhere in**
17 **the state, including any place open to the public, whether the officer is on duty**

1 or not, and regardless of whether the officer is engaged in the actual discharge
2 of his duties.

3 B. As used in this Section, the term "qualified law enforcement officer"
4 means a law enforcement officer who meets all of the following requirements:

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

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

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

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

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

17 (6) Is not under the influence of alcohol or another intoxicating or
18 hallucinatory drug or substance.

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

20 C. The identification required by this Section is the photographic
21 identification credential issued by the law enforcement agency for which the
22 individual is employed that identifies the employee as a law enforcement officer
23 of the agency.

24 §1379.1.3. Carrying of concealed firearms by qualified retired law enforcement
25 officers

26 A. Notwithstanding any other provision of state law or any ordinance of
27 any political subdivision and subject to the rules and regulations or policies of
28 the agency or office from which the individual has retired, an individual who is
29 retired from service as a qualified law enforcement officer and who was

1 commissioned by the agency or office from which he retired and is carrying the
2 identification required by his office as a retired law enforcement officer, may
3 carry a concealed firearm anywhere in the state, including any place open to the
4 public.

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

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

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

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

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

17 (b) Separated from service with such agency after completing any
18 applicable probationary period of such service due to a service-connected
19 disability, as determined by such agency.

20 (5) Qualifies annually in the use of firearms by the Peace Officer
21 Standards and Training Council and has proof of such certification.

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

26 (b) Has not entered into an agreement with the agency from which the
27 individual separated from service in which that individual acknowledged he or
28 she was not qualified under this Section for reasons relating to mental health
29 and for those reasons did not receive or accept the photographic identification

1 as described in Subsection C of this Section.

2 (7) Is not under the influence of alcohol or another intoxicating or
 3 hallucinatory drug or substance.

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

5 C. The identification required by this Section is the photographic
 6 identification credential issued by the agency from which the individual
 7 separated from service as a law enforcement officer that identifies the person
 8 as having been employed as a law enforcement officer.

9 §1379.1.4. Conflict provision

10 Nothing in the provisions of R.S. 40:1379.1.2 and 1379.1.3 shall be
 11 construed to supersede the provisions of R.S. 40:1797, and in case of any
 12 conflict, the provisions of R.S. 40:1797 shall control.

The original instrument was prepared by James Benton. The following digest, which does not constitute a part of the legislative instrument, was prepared by Cathy Wells.

DIGEST

Riser (SB 361)

Proposed law authorizes the carrying of concealed firearms by qualified law enforcement officers and retired law enforcement officers in any place open to the public, subject to the rules and regulations or policies of the agency or office employing the officer or from which the officer retired. For proposed law to apply, the officer must be carrying the identification required by his office. In addition, a qualified retired law enforcement officer must have been commissioned by the agency or office from which he retired.

Proposed law provides that the term "qualified law enforcement officer" means a law enforcement officer who meets all of the following requirements:

- (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 meets all of the following:

- (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 to be carried 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 of the agency.

Present law prohibits law enforcement officers from carrying a firearm, whether concealed or not, into a courtroom while attending a court hearing as a party to that proceeding.

Proposed law retains present law and provides that in case of a conflict, the provision of present law control.

Effective August 1, 2014.

(Adds R.S. 40:1379.1.2-1379.1.4)

Summary of Amendments Adopted by Senate

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

1. Adds a limitation on proposed law's authorization of the officer's agency's rules and regulations or policies.
2. Adds a requirement for a retired law enforcement officer that he was commissioned by the agency or office from which he retired.

Senate Floor Amendments to engrossed bill

1. Provides that no law enforcement officer can carry a firearm, whether concealed or not, into a courtroom while attending a court hearing as a party to that proceeding.
2. Makes technical changes.