SLS 14RS-176 **REENGROSSED**

Regular Session, 2014

SENATE BILL NO. 651

BY SENATOR ALLAIN

WEAPONS. Authorizes legislators, officers of the legislature, and certain retired and active reserve or auxiliary law enforcement officers to carry weapons under certain conditions. (gov sig)

AN ACT

To amend and reenact R.S. 14:95(G), (H), and (K), relative to carrying of weapons; to provide that members and officers of the legislature may carry weapons; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(G), (H), and (K) are hereby amended and reenacted to read as follows:

§95. Illegal carrying of weapons

* * *

G.(1) The provisions of this Section except Paragraph (4) of Subsection A shall not apply to sheriffs and their deputies, state and city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties. These provisions**, except Paragraph (5) of Subsection A,** shall not apply to sheriffs and their deputies and state and city police who are not actually discharging their official duties, provided that such persons are full time, active, and certified by the Council on Peace Officer Standards and Training and have on their persons valid identification as duly commissioned law enforcement officers.

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(2) The provisions of this Section**,** except Paragraph**s** (4) **and (5)** of Subsection A**,** shall not apply to any law enforcement officer who is retired from full-time active law enforcement service with at least twelve years service upon retirement, nor shall it apply to any enforcement officer of the office of state parks, in the Department of Culture, Recreation and Tourism who is retired from active duty as an enforcement officer, provided that such retired officers have on their persons valid identification as retired law enforcement officers, which identification shall be provided by the entity which employed the officer prior to his or her public retirement. The retired law enforcement officer must be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such qualification. This exception shall not apply to such officers who are medically retired based upon any mental impairment.

(3)(a)**(i)** The provisions of this Section**,** except Paragraph (4) of Subsection A**,** shall not apply to active ~~or retired~~ reserve or auxiliary law enforcement officers **in the actual discharge of official duties who are** qualified annually by the Council on Peace Officer Standards and Training and who have on their person valid identification as active ~~or retired~~ reserve law or auxiliary municipal police officers. The active ~~or retired~~ reserve or auxiliary municipal police officer shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification.

(ii) The provisions of this Section, except Paragraphs (4) and (5) of Subsection A, shall not apply to retired reserve or auxiliary law enforcement officers qualified annually by the Council on Peace Officer Standards and Training and who have on their person valid identification as retired reserve law or auxiliary municipal police officers. The retired reserve or auxiliary municipal police officer shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification.

H. ~~The~~ **(1) Except as provided in Paragraph (A)(5) of this Section and in**

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Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state of Louisiana, and traffic courts, **members of either house of the legislature, officers of either house of the legislature,** constables, coroners, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, and justices of the peace from possessing and concealing a handgun on their person when the justice or judge, **legislator or officer of the legislature,** constable, coroner, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, or justices of the peace are certified by the Council on Peace Officer Standards and Training.

(2) Nothing in this Subsection shall permit the carrying of a weapon in the state capitol building.

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K.(1) The provisions of this Section**, except Paragraph (5) of Subsection A,** shall not prohibit a retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, and city courts from possessing and concealing a handgun on their person provided that such retired justice or judge is certified by the Council on Peace Officer Standards and Training and has on their person valid identification showing proof of their status as a retired justice or judge.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

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

DIGEST

Allain (SB 651)

Present law provides for the illegal carrying of weapons. Defines the crime and provides conditions and penalties.

Present law provides certain exceptions from the restrictions on carrying weapons:

(1) Excepts sheriffs and their deputies, state and city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties.

(2) Excepts certain retired law enforcement officers provides they have on their persons valid identification as retired law enforcement officers, which identification shall be provided by the entity that employed the officer prior to his or her public retirement. Provides that the retired law enforcement officer must be POST qualified annually in the use of firearms and have proof of such qualification. Does not apply to such officers who are medically retired based upon any mental impairment.

(3) Excepts active and retired reserve or auxiliary law enforcement officers POST qualified annually and who have on their person valid identification as active or retired reserve law or auxiliary municipal police officers. Requires that they be qualified annually in the use of firearms by POST and have proof of such certification.

Provides that present law does not prohibit:

(1) Active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state, and traffic courts, constables, coroners, district attorneys and designated assistant district attorneys, U.S. attorneys and assistant U.S. attorneys and investigators, and justices of the peace from possessing and concealing a handgun on their person when the justice or judge, constable, coroner, district attorneys and designated assistant district attorneys, U.S. attorneys and assistant U.S. attorneys and investigators, or justices of the peace are POST certified.

(2) A retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, and city courts from possessing and concealing a handgun on their person provided that such retired justice or judge is POST certified and has on their person valid identification showing proof of their status as a retired justice or judge. Requires the retired justice or judge be POST qualified annually in the use of firearms and have proof of such certification. Does not apply to a retired justice or judge who is medically retired based upon any mental impairment.

(3) An active reserve or an auxiliary law enforcement officer in the actual discharge of official duties who are POST qualified annually and who have on their person valid identification as active reserve law or auxiliary municipal police officers.

(4) A retired reserve or auxiliary law enforcement officer POST qualified annually and who have on their person valid identification as retired reserve law or auxiliary municipal police officers. The retired reserve or auxiliary municipal police officer shall be qualified annually in the use of firearms by the Council on Peace Officer

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Standards and Training and have proof of such certification.

Proposed law allows an active reserve or auxiliary law enforcement officer in the actual discharge of his duties to carry a firearm on a school campus or bus.

Proposed law does not allow a retired reserve or auxiliary law enforcement officer to carry a firearm on a school campus or bus or to carry certain knives.

Proposed law retains present law and further provides that present law does not prohibit a member or officer of either house of the legislature from possessing and concealing a handgun on his person provided that the legislator or officer is POST qualified annually in the use of firearms, and has proof of such certification and valid identification showing proof of his status as a legislator or officer of either house of the legislature on his person.

Proposed law prohibits the carrying of weapons in the state capitol building by active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state, and traffic courts, members and officers of the legislature, constables, coroners, district attorneys and designated assistant district attorneys, U.S. attorneys and assistant U.S. attorneys and investigators, and justices of the peace.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:95(G), (H) and (K))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Technical amendments

Senate Floor Amendments to engrossed bill

1. Prohibits the carrying of weapons in the state capitol building by certain persons.

2. Provides exemptions for the carrying of firearms for active reserve or auxiliary law enforcement officers in the actual discharge of their duties and who are POST certified, and for certain retired reserve or auxiliary law enforcement officers.

3. Provides the requirements of legislators and officers to carry firearms.

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