
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.