

2016 Regular Session

HOUSE BILL NO. 1155 (Substitute for House Bill No. 176 by Representative Hodges)

BY REPRESENTATIVES HODGES, ADAMS, AMEDEE, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BROADWATER, TERRY BROWN, CARMODY, COUSSAN, COX, DAVIS, DEVILLIER, FALCONER, GAROFALO, GISCLAIR, GUINN, HAVARD, HAZEL, HENRY, HILL, HOFFMANN, HORTON, HOWARD, IVEY, MIKE JOHNSON, MAGEE, MARCELLE, MIGUEZ, JAY MORRIS, NORTON, PEARSON, POPE, PYLANT, RICHARD, SCHRODER, SEABAUGH, TALBOT, WHITE, WILLMOTT, AND ZERINGUE

WEAPONS/FIREARMS: Provides with respect to temporary concealed carry permits for certain victims of domestic violence

1 AN ACT

2 To enact R.S. 40:1379.3.2, relative to concealed handgun permits; to provide for the  
3 issuance of temporary concealed firearms permit; to authorize the temporary  
4 carrying of a concealed handgun without a permit for persons who have obtained a  
5 domestic abuse protective order; to provide for applicability; to provide for the  
6 application process; to provide relative to the effects of obtaining such a permit; to  
7 provide for time limitations; to provide relative to the payment of a fee; to provide  
8 for rulemaking; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1379.3.2 is hereby enacted to read as follows:

11 §1379.3.2. Temporary concealed handgun permit; protective order; time limitations

12 A. A person on whose behalf the court has issued a permanent injunction or  
13 a protective order to bring about the cessation of abuse by one family member,  
14 household member, or dating partner pursuant to a court-approved consent  
15 agreement or pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S.  
16 46:2136, 2151, or 2173, Children's Code Article 1570, Code of Civil Procedure  
17 Article 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, or  
18 871.1 and which prohibits the subject of the order from possessing a firearm for the

1 duration of the injunction or protective order pursuant to the provisions of R.S.  
2 46:2136.3 may apply to the deputy secretary of public safety services of the  
3 Department of Public Safety and Corrections for the issuance of a temporary  
4 concealed handgun permit.

5 B. When submitting an application for a temporary concealed handgun  
6 permit, the applicant shall:

7 (1) Make sworn application in person or electronically to the deputy  
8 secretary of public safety services of the Department of Public Safety and  
9 Corrections. The providing of false or misleading information on the application or  
10 any documents submitted with the application shall be grounds for the denial or  
11 revocation of a temporary concealed handgun permit.

12 (2) Agree in writing to hold harmless and indemnify the department, the  
13 state, or any peace officer for any and all liability arising out of the issuance or use  
14 of the temporary concealed handgun permit.

15 (3) Meet the qualifications for the issuance of a concealed handgun permit  
16 as provided for in R.S. 40:1379.3(C); however, an applicant for a temporary  
17 concealed handgun permit shall not be required to comply with the provisions of  
18 R.S. 40:1379.3(D) upon application.

19 (4) Pay the twenty-five dollar fee authorized in R.S. 40:1379.3(H)(2).

20 C.(1) The holder of a temporary concealed handgun permit shall not be  
21 subject to the provisions of R.S. 40:1379.3(D) pending completion of the requisite  
22 training for a concealed handgun permit issued pursuant to the provisions of R.S.  
23 40:1379.3, but shall otherwise comply with all other restrictions and provisions of  
24 R.S. 40:1379.3.

25 (2) If the applicant for a temporary concealed handgun permit applies for a  
26 concealed handgun permit issued pursuant to the provisions of R.S. 40:1379.3, the  
27 twenty-five dollar fee paid shall be applied to the cost of a concealed handgun permit  
28 as provided for in R.S. 40:1379.3(H)(2) issued once the temporary concealed  
29 handgun permittee completes the requisite training pursuant to R.S. 40:1379.3(D).

- 1           D. The temporary concealed handgun permit:
- 2           (1) Is valid only in Louisiana and shall not be considered as satisfying the
- 3           requirements of reciprocity with any other state concealed firearm provisions.
- 4           (2) Shall not be construed to constitute evidence of a background check
- 5           required pursuant to 18 U.S.C. 922 prior to the transfer of a firearm as authorized by
- 6           the provisions of R.S. 40:1379.3(T).
- 7           (3) Shall expire forty-five days from the date of issuance.
- 8           E. The person issued a temporary concealed handgun permit as provided by
- 9           the provisions of this Section is authorized to carry a concealed handgun for a period
- 10           of forty-five days from issuance or until the concealed handgun permit issued
- 11           pursuant to the provisions of R.S. 40:1379.3 is issued, whichever is less.
- 12           F. Failure to carry a copy of the permanent injunction or the protective order
- 13           at all times the person is carrying the concealed handgun shall render the temporary
- 14           concealed handgun permit invalid.
- 15           G. The department shall conduct a background check as provided for in R.S.
- 16           40:1379.3(K) prior to the issuance of a temporary concealed handgun permit.
- 17           H. The office of state police shall promulgate rules to implement the
- 18           provisions of this Section.
- 19           Section 2. This Act shall be referred to as "The Brandi Trahan Act".

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 1155 Reengrossed

2016 Regular Session

Hodges

**Abstract:** Provides for the issuance of a temporary concealed handgun permit to persons who have obtained a protective order to prevent abuse.

Present law provides for the issuance of concealed handgun permits and provides for eligibility and qualification criteria for the issuance of those permits.

Proposed law retains present law.

Proposed law provides that a person on whose behalf the court has issued a permanent injunction or a protective order to bring about the cessation of abuse and which prohibits the subject of the order from possessing a firearm for the duration of the injunction or protective

order may apply to the deputy secretary of public safety services of the DPS&C for the issuance of a temporary concealed handgun permit.

Proposed law provides that the person shall:

- (1) Apply online or in person.
- (2) Agree to hold harmless the DPS&C.
- (3) Meet the qualifications for the issuance of a concealed handgun permit but not demonstrate use of the firearm upon application.
- (4) Pay the \$25 fee authorized in present law. The fee shall be applied to the cost of a concealed handgun permit when training is completed.

Proposed law provides that the temporary concealed handgun permit:

- (1) Is valid only in Louisiana and shall not be considered as satisfying the requirements of reciprocity with any other state concealed firearm provisions.
- (2) Shall not be construed to constitute evidence of a background check required prior to the transfer of a firearm.
- (3) Shall expire 45 days from the date it is issued unless the regular concealed handgun permit has been issued prior to the expiration of the 45 day period.

Proposed law provides that the failure to carry a copy of the permanent injunction or the protective order at all times the person is carrying the concealed handgun shall render the temporary concealed handgun permit invalid.

Proposed law provides that the department shall conduct a background check prior to the issuance of a concealed handgun permit.

Proposed law names proposed law "The Brandi Trahan Act".

(Adds R.S. 40:1379.3.2)

#### Summary of Amendments Adopted by House

##### The House Floor Amendments to the engrossed bill:

1. Name the proposed law "The Brandi Trahan Act."
2. Make technical changes.