

2017 Regular Session

HOUSE BILL NO. 68

BY REPRESENTATIVE IVEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/FIREARMS: Exempts certain Louisiana residents from the crime of illegal carrying of weapons when the firearm is legally obtained, manufactured, and possessed

1 AN ACT

2 To enact R.S. 14:95(L), relative to the illegal carrying of weapons; to exempt certain
3 Louisiana residents from the crime of illegal carrying of weapons when the firearm
4 is legally obtained, manufactured, and possessed; to provide for legislative intent;
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. This Act is known and may be cited as the "Louisiana Constitutional
8 Carry and Restoration of Second Amendment Rights Act of 2017".

9 Section 2. The Second Amendment of the United States Constitution and Article
10 I, Section 11 of the Louisiana Constitution declare that it is the right of the people to keep
11 and bear arms and this right shall not be infringed. It is the purpose of the government to
12 protect and secure the rights of its citizens and not infringe upon them. The founders
13 recognized the right to keep and bear arms as absolute and fundamental by explicitly
14 providing for its protection in the Bill of Rights with an emphasis on the fact that it shall not
15 be infringed. In 2012, the people of the state of Louisiana acknowledged and emphasized
16 the importance of this right and the government's purpose in protecting it by ratifying a
17 proposal submitted by Act No. 874 of the 2012 Regular Session that limits the legislature's
18 authority to regulate the right to keep and bear arms and provides that any infringement of
19 this right is subject to the highest level of scrutiny. This legislature acknowledges that the

1 right to keep and bear arms is a right where the primary issue is that of possession.
2 Limitations on the way a person chooses to possess a firearm, whether concealed or openly
3 carried, is a restriction on this absolute and fundamental right. Therefore, the right to keep
4 and bear arms must be interpreted to include the right of law abiding citizens to responsibly
5 carry a concealed weapon.

6 Section 3. R.S. 14:95(L) is hereby enacted to read as follows:

7 §95. Illegal carrying of weapons

8 * * *

9 L. The provisions of Paragraph (A)(1) of this Section shall not apply to a
10 Louisiana resident if all of the following conditions are met:

11 (1) The Louisiana resident is twenty-one years of age or older.

12 (2) The Louisiana resident is not prohibited from possessing a firearm under
13 R.S. 14:95.1 or any other state or federal law.

14 (3) The firearm is legally manufactured and obtained.

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)]

HB 68 Original

2017 Regular Session

Ivey

Abstract: Exempts certain La. residents from the crime of illegal carrying of weapons when the firearm is legally obtained, manufactured, and possessed, and provides that this Act shall be known as the "Louisiana Constitutional Carry and Restoration of Second Amendment Rights Act of 2017".

Present law prohibits the carrying of a concealed firearm, provides for criminal penalties, and provides for certain exceptions to the offense.

Proposed law creates an exception to this prohibition for a La. resident when the following criteria is met:

- (1) The La. resident is 21 years of age or older.
- (2) The La. resident is not prohibited from possessing a firearm under any federal or state law.
- (3) The firearm was legally manufactured and obtained.

Proposed law provides for legislative intent and shall be known and may be cited as the "Louisiana Constitutional Carry and Restoration of Second Amendment Rights Act of 2017".

(Adds R.S. 14:95(L))