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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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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DIGEST

SB 211 Original

2025 Regular Session

Carter

Present law provides that the crime of illegal carrying of weapons includes the intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person.

Present law provides an exemption to the crime of illegal carrying of weapons for a person who is 18 years of age or older and not prohibited from possessing a firearm under state or federal law.

Proposed law provides that the exemption to illegal carrying of weapons provided in present law does not apply to any person:

- (1) Prohibited from lawfully purchasing a firearm.
- (2) Prohibited from lawfully possessing a firearm.
- (3) Subject to a court order as provided in proposed law relative to prohibiting a person found to pose a threat to himself or others from carrying a firearm.

Proposed law allows a district attorney or assistant district attorney to petition a court for an order prohibiting a person from carrying a concealed handgun when the petitioner has probable cause to believe all of the following:

- (1) The person poses a risk of imminent injury to himself or to another person.
- (2) The person owns and possesses one or more firearms.
- (3) The firearm or firearms are either within or upon a specified place, thing, or person.

Proposed law requires the district attorney or assistant district attorney, prior to filing a petition, to conduct an independent investigation to determine whether probable cause exists and if there is any reasonable alternative available to prevent the person from causing imminent injury to himself or to others.

Proposed law provides a procedure and criteria for the court to use in making its determination on the order. Requires the order to state the grounds for probable cause for its issuance. Provides that a copy of the order will be given to the person named in the order together with a notice informing the person that he has the right to a hearing and the right to be represented by counsel at such

hearing. Authorizes the district attorney to request an extension of the order. Provides that if the court grants the order, it will report the name and other identifying information of the person to the La. Supreme Court for reporting to the National Instant Criminal Background Check System (NICS) database. Provides that upon expiration or termination of the order, the court will inform the La. Supreme Court, which will cause the record to be removed from NICS. Authorizes a person to carry or possess a concealed handgun by permit once the court terminates its order. Also provides procedures for extensions of the court's order and for termination of the court's order.

Effective August 1, 2025.

(Amends C.Cr.P. Art. 1002(A)(2)(a); adds C.Cr.P. Art. 67 and R.S. 14:95(O))