HLS 14RS-562 ENGROSSED

Regular Session, 2014

HOUSE BILL NO. 72

1

BY REPRESENTATIVES LOPINTO, HENRY BURNS, AND THOMPSON

WEAPONS/FIREARMS: Provides relative to the possession of firearms by concealed handgun permit holders and law enforcement officers in certain alcoholic beverage establishments

AN ACT

| 2 | To amend and reenact R.S. 14:95.5(C), relative to the possession of a firearm on the |
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| 3 | premises of an alcoholic beverage outlet; to exempt certain law enforcement officers |
| 4 | from the prohibition; to exempt concealed permit holders from the prohibition as it |
| 5 | relates to restaurants; to provide relative to the authority of sheriffs or chief law |
| 6 | enforcement officers to establish policies in this regard; and to provide for related |
| 7 | matters. |
| 8 | Be it enacted by the Legislature of Louisiana: |
| 9 | Section 1. R.S. 14:95.5(C) is hereby amended and reenacted to read as follows: |
| 0 | §95.5. Possession of firearm on premises of alcoholic beverage outlet |
| 1 | * * * |
| 12 | C.(1) The provisions of this Section shall not apply to the owner or lessee of |
| 13 | an alcoholic beverage outlet, or to an employee of such owner or lessee, or to a law |
| 14 | enforcement officer or other person vested with law enforcement authority or listed |
| 15 | in R.S. 14:95(G) or (H) acting in the performance of his official duties. |
| 16 | (2) The provisions of this Section shall not apply to a person possessing a |
| 17 | firearm in accordance with a concealed handgun permit issued pursuant to R.S. |
| 18 | 40:1379.1 or 1379.3 on the premises of an alcoholic beverage outlet which has been |
| 19 | issued a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part II of |
| 20 | Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950. |

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1 (3) The provisions of this Section shall not be construed to limit the ability
2 of a sheriff or chief law enforcement officer from establishing policies within his
3 department or office regarding the carrying of a concealed handgun on the premises
4 of an alcoholic beverage outlet by any law enforcement officer under his authority.
5 * * * *

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)]

Lopinto HB No. 72

Abstract: Creates an exception to the crime of possession of a firearm in alcoholic beverage outlets for certain law enforcement officers and for concealed handgun permit holders when the possession occurs on the premises of certain restaurants.

<u>Present law</u> provides that no person shall intentionally possess a firearm while on the premises of an alcoholic beverage outlet.

<u>Present law</u> defines "alcoholic beverage outlet" as any commercial establishment in which alcoholic beverages of either high or low alcoholic content are sold in individual servings for consumption on the premises, whether or not such sales are a primary or incidental purpose of the business of the establishment.

<u>Present law</u> provides an exception for the owner or lessee of an alcoholic beverage outlet, or an employee of such owner or lessee, or a law enforcement officer or other person vested with law enforcement authority acting in the performance of his official duties.

<u>Proposed law</u> retains <u>present law</u> except it removes the condition that the law enforcement officer is acting in the performance of his official duties.

<u>Proposed law</u> further provides an exception for certain retired and auxiliary law enforcement officers.

<u>Proposed law</u> provides for an exception for certain persons including judges and district attorneys.

<u>Proposed law provides</u> for an exception for a person possessing a firearm in accordance with a concealed handgun permit or law enforcement officers on the premises of an alcoholic beverage outlet which has been issued a Class A-Restaurant permit.

Provides that <u>proposed law</u> shall not be construed to limit the ability of a sheriff or chief law enforcement officer from establishing policies within his department or office regarding the carrying of a concealed handgun on the premises of an alcoholic beverage outlet by any law enforcement officer under his authority.

(Amends R.S. 14:95.5(C))

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Summary of Amendments Adopted by House

Committee Amendments Proposed by <u>House Committee on Administration of Criminal</u> <u>Justice</u> to the <u>original</u> bill.

- 1. Added language regarding the policies of the sheriff or chief law enforcement officer regarding the carrying of concealed handguns in alcoholic beverage outlets by law enforcement officers under their authority.
- 2. Added language creating an exception for certain persons including judges, district attorneys, and assistant district attorneys.