

Regular Session, 2014

HOUSE BILL NO. 1066

BY REPRESENTATIVES THOMPSON AND CARMODY

WEAPONS/HANDGUNS: Provides with respect to federal background checks for concealed handgun permit holders

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(C)(1) and (17), (K), and (T)(1), relative to
3 qualifications for concealed handgun permits; to provide for the submission of
4 certain information for persons seeking a concealed handgun permit who are not
5 United States citizens; to require a federal background check before issuing a
6 concealed handgun permit; to provide for penalties for using a suspended or revoked
7 concealed handgun permit to purchase a firearm; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 40:1379.3(C)(1) and (17), (K), and (T)(1) are hereby amended and
10 reenacted to read as follows:

11 §1379.3. Statewide permits for concealed handguns; application procedures;
12 definitions

13 * * *

14 C. To qualify for a concealed handgun permit, a Louisiana resident shall:

15 (1)(a) Make sworn application to the deputy secretary of public safety
16 services of the Department of Public Safety and Corrections. The providing of false
17 or misleading information on the application or any documents submitted with the
18 application shall be grounds for the denial or revocation of a concealed handgun
19 permit. The application shall reflect training in pistols, revolvers, or both. Any
20 permittee under this Section shall notify the department of any address or name
21 change within thirty days of the change. Failure to timely notify the department of

1 a name or address change may result in suspension of the permit for up to thirty
2 days.

3 (b) In the case of an applicant who is not a United States citizen, the
4 applicant shall provide any alien or admission number issued by the United States
5 Bureau of Immigration and Customs Enforcement and any basis, if applicable, for
6 an exception to the prohibitions of 18 U.S.C. 922(g)(5)(B).

7 * * *

8 (17) Not be ineligible to possess or receive a firearm under 18 U.S.C.
9 §922(g) or (n).

10 * * *

11 K. The department shall execute a thorough background investigation,
12 including a criminal history check, of every applicant for the purpose of verifying
13 the qualifications of the applicant pursuant to the requirements of this Section. For
14 purposes of this Subsection, a background check shall be defined as a computer
15 check of available on-line state records, and, if warranted, the fingerprints may be
16 forwarded to the Federal Bureau of Investigation for a national criminal history
17 record check. In addition, the department shall submit an inquiry on every applicant
18 to the National Instant Criminal Background Check System of the Federal Bureau
19 of Investigation.

20 * * *

21 T.(1) Possession of a current and valid concealed handgun permit issued
22 pursuant to this Section shall constitute sufficient evidence of the background check
23 required pursuant to 18 U.S.C. 922(t) provided that the appropriate waiver has been
24 granted by the Bureau of Alcohol, Tobacco, Firearms and Explosives. A
25 person whose permit has been suspended or revoked by the department and who uses
26 that permit to purchase a firearm from a licensed dealer knowing that the permit has
27 been suspended or revoked shall be fined not more than five hundred dollars or
28 imprisoned for not more than six months, or both.

29 * * *

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)]

Thompson

HB No. 1066

Abstract: Provides for a federal criminal history check prior to the issuance of a concealed handgun permit.

Present law provides for the issuance of concealed handgun permits.

Present law provides for the qualifications and criteria required to be issued a concealed handgun permit.

Proposed law retains present law.

Present law provides that an applicant for a concealed handgun permit shall not be ineligible to possess a firearm under federal law.

Proposed law retains this provision of present law and adds that the applicant shall also not be ineligible to receive a firearm under federal law.

Present law provides that state police execute a thorough background investigation, including a criminal history check, of every applicant for the purpose of verifying the qualifications of the applicant prior to issuing a concealed handgun permit. Defines a background check as a computer check of available on-line state records, and, if warranted, the fingerprints may be forwarded to the FBI.

Proposed law retains these provisions of present law and further requires state police to make an inquiry on every applicant to the FBI's National Instant Criminal Background Check System.

Proposed law provides that if the applicant is not a U.S. citizen, the applicant shall provide any alien or admission number issued by the U.S. Bureau of Immigration and Customs Enforcement and any basis, if applicable, for an exception to the prohibitions from possession of a firearm under federal law.

Proposed law provides that a person whose permit has been suspended or revoked by the department and who uses that permit to purchase a firearm from a licensed dealer knowing that the permit has been suspended or revoked shall be fined not more than \$500, imprisoned for not more than six months, or both.

(Amends R.S. 40:1379.3(C)(1) and (17), (K), and (T)(1))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Added requirement that to be eligible to receive a concealed handgun permit, the applicant shall not be ineligible to receive a firearm under federal law.
2. Retained the proposed law requirement for a federal criminal history check, but substantially reworded that requirement.

House Floor Amendments to the engrossed bill.

1. Added penalty provisions for using a suspended or revoked concealed handgun permit to purchase a firearm.