
DIGEST

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Allain

SB No. 651

Present law provides for the illegal carrying of weapons. Defines the crime and provides conditions and penalties.

Present law provides certain exceptions from the restrictions on carrying weapons:

- (1) Excepts sheriffs and their deputies, state and city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties.
- (2) Excepts certain retired law enforcement officers provided they have on their persons valid identification as retired law enforcement officers. Provides that the retired law enforcement officer must be P.O.S.T. qualified annually in the use of firearms and have proof of such qualification. This exception does not apply to officers who are medically retired based upon any mental impairment.
- (3) Excepts active and retired reserve or auxiliary law enforcement officers P.O.S.T. qualified annually and who have on their person valid identification as active or retired reserve law or auxiliary municipal police officers. Requires that they be qualified annually in the use of firearms by P.O.S.T. and have proof of such certification.

Provides that present law does not prohibit:

- (1) Active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state, and traffic courts, constables, coroners, district attorneys and designated assistant district attorneys, U.S. attorneys and assistant U.S. attorneys and investigators, and justices of the peace from possessing and concealing a handgun on their person when the justice or judge, constable, coroner, district attorneys and designated assistant district attorneys, U.S. attorneys and assistant U.S. attorneys and investigators, or justices of the peace are P.O.S.T. certified.
- (2) A retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, and city courts from possessing and concealing a handgun on their person provided that such retired justice or judge is P.O.S.T. certified and has on their person valid identification showing proof of their status as a retired justice or judge. Requires the retired justice or judge be P.O.S.T. qualified annually in the use of firearms and have proof of such certification. This exception does not apply to a retired justice or judge who is medically retired based upon any mental impairment.
- (3) An active reserve or an auxiliary law enforcement officer in the actual discharge of official duties who are P.O.S.T. qualified annually and who have on their person valid identification as active reserve law or auxiliary municipal police officers.
- (4) A retired reserve or auxiliary law enforcement officer P.O.S.T. qualified annually and who have on their person valid identification as retired reserve law or auxiliary municipal police officers. The retired reserve or auxiliary municipal police officer shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification.

Proposed law does not allow a retired reserve or auxiliary law enforcement officer to carry a firearm on a school campus or bus or to carry certain knives.

Proposed law retains present law and further provides that present law does not prohibit a member or officer of either house of the legislature from possessing and concealing a handgun on his person provided that the legislator or officer is P.O.S.T. qualified annually in the use of firearms, and has undergone a psychiatric evaluation and determination that they are competent to possess a firearm, and has proof of such certification and valid identification showing proof of his status as a legislator or officer of either house of the legislature on his person.

Proposed law prohibits the carrying of weapons in the state capitol building by active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state, and traffic courts, members and officers of the legislature, constables, coroners, district attorneys and designated assistant district attorneys, U.S. attorneys and assistant U.S. attorneys and investigators, and justices of the peace.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:95(G)(2) and (3), (H) and (K)(1))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Senate and Governmental Affairs to the original bill

1. Technical amendments

Senate Floor Amendments to engrossed bill

1. Prohibits the carrying of weapons in the state capitol building by certain persons.
2. Provides exemptions for the carrying of firearms for active reserve or auxiliary law enforcement officers in the actual discharge of their duties and who are P.O.S.T. certified, and for certain retired reserve or auxiliary law enforcement officers.
3. Provides the requirements of legislators and officers to carry firearms.

Summary of Amendments Adopted by House

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

1. Deleted the proposed law changes with respect to the possession of a firearm by active law enforcement officers on a school campus or bus.
2. Added provision requiring psychiatric evaluation in addition to P.O.S.T. certification.