
HOUSE COMMITTEE AMENDMENTS

2016 Regular Session

Substitute for Original House Bill No. 176 by Representative Hodges as proposed by the House Committee on Administration of Criminal Justice

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To enact R.S. 40:1379.3.2, relative to concealed handgun permits; to provide for the issuance of temporary concealed firearms permit; to authorize the temporary carrying of a concealed handgun without a permit for persons who have obtained a domestic abuse protective order; to provide for applicability; to provide for the application process; to provide for time limitations; to provide relative to the payment of a fee; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.3.2 is hereby enacted to read as follows:

§1379.3.2. Temporary concealed handgun permit; protective order; time limitations

A. A person on whose behalf the court has issued a permanent injunction or a protective order to bring about the cessation of abuse pursuant to a court-approved consent agreement or pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S. 46:2136, 2151, or 2173, Children's Code Article 1570, Code of Civil Procedure Article 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, or 871.1 and which prohibits the subject of the order from possessing a firearm for the duration of the injunction or protective order pursuant to the provisions of R.S. 46:2136.3 may apply to the deputy secretary of public safety services of the Department of Public Safety and Corrections for the issuance of a temporary concealed handgun permit.

B. When submitting an application for a temporary concealed handgun permit the applicant shall:

(1) Make sworn application in person or electronically to the deputy secretary of public safety services of the Department of Public Safety and Corrections. The providing of false or misleading information on the application or

any documents submitted with the application shall be grounds for the denial or revocation of a temporary concealed handgun permit.

(2) Agree in writing to hold harmless and indemnify the department, the state, or any peace officer for any and all liability arising out of the issuance or use of the temporary concealed handgun permit.

(3) Meet the qualifications for the issuance of a concealed handgun permit as provided for in R.S. 40:1379.3(C), however an applicant for a temporary concealed handgun permit shall not be required to comply with the provisions of R.S. 40:1379.3(D) upon application.

(4) Pay the twenty-five dollar fee authorized in R.S. 40:1379.3(H)(2).

C.(1) The holder of a temporary concealed handgun permit shall not be subject to the provisions of R.S. 40:1379.3(D) pending completion of the requisite training, for a concealed handgun permit issued pursuant to the provisions of R.S. 40:1379.3, but shall otherwise comply with all other restrictions and provisions of R.S. 40:1379.3.

(2) If the applicant for a temporary concealed handgun permit applies for a concealed handgun permit issued pursuant to the provisions of R.S. 40:1379.3, the twenty-five dollar amount shall be shall be applied to the cost of a concealed handgun permit as provided for in R.S. 40:1379.3(H)(2) issued once the temporary concealed handgun permittee completes the requisite training pursuant to R.S. 40:1379.3(D).

D. The temporary concealed handgun permit:

(1) Is only valid in Louisiana and shall not be considered as satisfying the requirements of reciprocity with any other state concealed firearm provisions.

(2) Shall not be construed to constitute evidence of a background check required pursuant to 18 U.S.C 922 prior to the transfer of a firearm as authorized by the provisions of R.S. 40:1379.3(T).

(3) Shall expire forty-five days from the date it is issued.

E. The person issued the temporary concealed handgun permit is authorized to carry a concealed handgun pending the issuance of the concealed handgun permit

for a period of forty-five days or when the concealed handgun permit issued pursuant to the provisions of R.S. 40:1379.3 is issued, whichever is less.

F. Failure to carry a copy of the permanent injunction or the protective order at all times the person is carrying the concealed handgun shall render the temporary concealed handgun permit invalid.

G. The office of state police may promulgate rules to implement the provisions of this Section.

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 Draft

2016 Regular Session

Abstract: Provides for the issuance of a temporary concealed handgun permit to persons who have obtained a protective order to prevent abuse.

Present law provides for the issuance of concealed handgun permits and provides for eligibility and qualification criteria for the issuance of those permits.

Proposed law retains these provisions of present law.

Proposed law provides that a person on whose behalf the court has issued a permanent injunction or a protective order to bring about the cessation of abuse and which prohibits the subject of the order from possessing a firearm for the duration of the injunction or protective order pursuant may apply to the deputy secretary of public safety services of the DPS&C for the issuance of a temporary concealed handgun permit.

Proposed law provides that the person shall:

- (1) Apply online or in person.
- (2) Agree to hold harmless DPS&C.
- (3) Meet the qualifications for the issuance of a concealed handgun permit but not demonstrate use of the firearm upon application.
- (4) Pay the \$25.00 fee authorized in present law. The fee shall be applied to the cost of a concealed handgun permit, that fee is applied to the remaining cost of a permit when training is completed.

Proposed law provides that the temporary concealed handgun permit:

- (1) Is only valid in Louisiana and shall not be considered as satisfying the requirements of reciprocity with any other state concealed firearm provisions.
- (2) Shall not be construed to constitute evidence of a the background check required prior to the transfer of a firearm.

- (3) Shall expire 45 days from the date it is issued unless the regular concealed handgun permit has been issued prior to 45 days.

Proposed law provides that the failure to carry a copy of the permanent injunction or the protective order at all times the person is carrying the concealed handgun shall render the temporary concealed handgun permit invalid.

(Adds R.S. 40:1379.3.2)