

Regular Session, 2011

HOUSE BILL NO. 413

BY REPRESENTATIVE WOOTON

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/FIREARMS: Authorizes concealed handgun permit holders to carry concealed handguns on college campuses

1 AN ACT
2 To amend and reenact R.S. 14:95.2(B)(1) and (C)(1) and R.S. 40:1379.3(N)(11) and to enact
3 R.S. 14:95.2(C)(9), (H), (I), and (J) and R.S. 40:1379.3(N)(12), relative to carrying
4 a firearm on school property; to provide an exception for individuals on the campus
5 of a public college, university, or postsecondary vocational-technical school who
6 possess a concealed handgun permit; to provide for applicability; to provide for
7 exceptions; to provide for the authority of the governing body of a public college,
8 university, or postsecondary vocational-technical school to regulate the ability of a
9 person issued a concealed handgun permit to lawfully carry a concealed handgun;
10 to provide for the lawful storage of concealed handguns on campuses of colleges,
11 universities, or postsecondary vocational-technical schools; to authorize the
12 governing body of a private college, university, or postsecondary vocational-
13 technical school to prohibit the carrying of concealed handgun on its campus; to
14 provide for definitions; to amend the exception for law enforcement officers; to
15 provide for limitations of liability; and to provide for related matters.
16 Be it enacted by the Legislature of Louisiana:
17 Section 1. R.S. 14:95.2(B)(1) and (C)(1) are hereby amended and reenacted and R.S.
18 14:95.2(C)(9), (H), (I), and (J) are hereby enacted to read as follows:

1 §95.2. Carrying a firearm, or dangerous weapon, by a student or nonstudent on
2 school property, at school-sponsored functions or firearm-free zone

3 * * *

4 B. For purposes of this Section, the following words have the following
5 meanings:

6 (1) "School" means any elementary, secondary, high school, secondary
7 vocational-technical school, postsecondary vocational-technical school, college, or
8 university in this state.

9 * * *

10 C. The provisions of this Section shall not apply to:

11 (1) A federal, state, or local law enforcement officer ~~in the performance of~~
12 ~~his official duties.~~

13 * * *

14 (9) The possession of a firearm on the campus of a public college or
15 university or a postsecondary vocational-technical school by a person issued a
16 concealed handgun permit pursuant to R.S. 40:1379.1 or 1379.3.

17 * * *

18 H.(1) No governing body of a public college or university or postsecondary
19 vocational-technical school shall establish rules or regulations limiting or abridging
20 the ability of a person issued a concealed handgun permit pursuant to R.S. 40:1379.1
21 or 1379.3 to lawfully carry a concealed handgun; however, governing bodies of
22 educational institutions may establish rules or regulations relating to the storage of
23 firearms on campus.

24 (2) The governing body of a public college or university or postsecondary
25 vocational-technical school may establish rules or regulations which require that
26 each person with a concealed handgun permit issued pursuant to R.S. 40:1379.1 or
27 1379.3 who intends to carry a handgun on campus shall notify the law enforcement
28 agency for the educational institution as soon as practicable upon entering the
29 campus and provide his name, address, and concealed handgun permit number.

1 (3) The governing body of a private college or university or postsecondary
2 vocational-technical school may, after consultation with students, staff, and faculty,
3 establish rules or regulations prohibiting a person with a concealed handgun permit
4 issued pursuant to R.S. 40:1379.1 or 1379.3 from carrying the handgun on premises
5 which are owned or operated by the private college or university or postsecondary
6 vocational-technical school.

7 I. The provisions this Section shall not be construed to limit the right of a
8 private property owner to prohibit or restrict access on private property.

9 J. No college or university shall be liable for any damage or injury to persons
10 or property, including death, as a result of the use, handling, carrying, or storage of
11 a concealed handgun.

12 Section 2. R.S. 40:1379.3(N)(11) is hereby amended and reenacted and R.S.
13 40:1379.3(N)(12) is hereby enacted to read as follows:

14 §1379.3. Statewide permits for concealed handguns; application procedures;
15 definitions

16 * * *

17 N. No concealed handgun may be carried into and no concealed handgun
18 permit issued pursuant to this Section shall authorize or entitle a permittee to carry
19 a concealed handgun in any of the following:

20 * * *

21 (11) Any school, school campus, or school bus as defined in R.S. 14:95.6,
22 except to the extent permitted by the provisions of R.S. 14:95.2(C).

23 (12) Any stadium, field, facility, arena, or other area commonly used for the
24 playing or conducting of any athletic competition, game, or event.

25 * * *

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)]

Wooton

HB No. 413

Abstract: Authorizes the carrying of handguns on college, university, or postsecondary vocational-technical school campuses by individuals who possess a concealed handgun permit.

Present law prohibits the carrying of a firearm or dangerous weapon on school property.

Present law defines "school" as any elementary, secondary, high school, vocational-technical school, college, or university in this state.

Proposed law defines "school" to include secondary vocational-technical schools and postsecondary vocational-technical schools.

Present law contains exceptions to the prohibition against carrying firearms on school property.

Proposed law adds the possession of a firearm on the campus of a college or university or a postsecondary vocational-technical school by a person issued a concealed handgun permit.

Proposed law prohibits the governing body of a public college or university or postsecondary vocational-technical school from establishing rules or regulations limiting or abridging the ability of a person issued a concealed handgun permit to lawfully carry a concealed handgun.

Proposed law authorizes the governing body of a private college or university or postsecondary vocational-technical school to adopt rules to prohibit carrying of concealed weapons on the campus of those schools.

Proposed law authorizes governing bodies of educational institutions to establish rules or regulations relating to the storage of firearms on campus.

Present law provides that no concealed handgun may be carried and no concealed handgun permit shall authorize or entitle a permittee to carry a concealed handgun in any school "firearm-free zone".

Proposed law provides that proposed law shall not be construed to limit the right of a private property owner to prohibit or restrict access on private property.

Proposed law provides that no college or university shall be liable for any damage or injury to persons or property, including death, as a result of the use, handling, carrying, or storage of a concealed handgun.

Proposed law prohibits carrying concealed handguns in any stadium, field, facility, arena, or other area commonly used for the playing or conducting of any athletic competition, game, or event.

(Amends R.S. 14:95.2(B)(1) and (C)(1) and R.S. 40:1379.3(N)(11); Adds R.S. 14:95.2(C)(9), (H), (I), and (J) and R.S. 40:1379.3(N)(12))