2018 Regular Session

HOUSE BILL NO. 602

BY REPRESENTATIVE MIGUEZ AND SENATOR RISER

WEAPONS/FIREARMS: Provides relative to the carrying of a concealed handgun at a school

1	AN ACT			
2	To enact R.S. 14:95.2(C)(9) and R.S. 40:1379.3(X) and to repeal R.S. 40:1379.3(N)(11),			
3	relative to concealed handgun permits; to provide relative to the carrying of a			
4	concealed handgun into any school, school campus, or school bus; to provide relative			
5	to the authority of a concealed handgun permitee who is a teacher, administrator,			
6	student, or employee of a school; to provide relative to the authority of a school to			
7	regulate the carrying of firearms in certain venues and facilities of the institution; to			
8	provide an exception to the crime which prohibits the carrying of a firearm on school			
9	property by certain concealed handgun permit holders; and to provide for related			
10	matters.			
11	Be it enacted by the Legislature of Louisiana:			
12	Section 1. R.S. 14:95.2(C)(9) is hereby enacted to read as follows:			
13	§95.2. Carrying a firearm or dangerous weapon by a student or nonstudent			
14	on school property, at school-sponsored functions, or in a firearm-			
15	free zone			
16	* * *			
17	C. The provisions of this Section shall not apply to:			
18	* * *			

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1	(9) Any person who has a valid concealed handgun permit issued
2	pursuant to R.S. 40:1379.3 and who carries a concealed handgun in
3	accordance with R.S. 40:1379.3(X).
4	* * *
5	Section 2. R.S. 40:1379.3(X) is hereby enacted to read as follows:
6	§1379.3. Statewide permits for concealed handguns; application procedures;
7	definitions
8	* * *
9	X. If the concealed handgun permitee is a teacher, administrator, or
10	employee of any school acting within the course and scope of his employment, or is
11	a student of any school, the provisions of this Section shall not be construed to
12	authorize the teacher, administrator, employee, or student of the school to carry a
13	concealed handgun into any school, school campus, or school bus, as defined by R.S.
14	14:95.6 unless specifically authorized to do so by law. Nothing in this Subsection
15	shall limit the authority of a school board or school to prohibit a person from
16	carrying a firearm, or to regulate the carrying of a firearm, in certain venues or
17	facilities within the school district or an individual school unless the person is
18	otherwise authorized to do so by law. Notwithstanding any other law to the contrary,
19	a school board or school shall be absolutely immune from claims for monetary
20	damages arising from or related to a visitor's use or failure to use a firearm.
21	Section 3. R.S. 40:1379.3(N)(11) is hereby repealed in its entirety.

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 602 Reengrossed	2018 Regular Session	Miguez
The observed and the ob	2010 Regular Session	1115402

Abstract: Provides relative to the carrying of a concealed handgun into any school, school campus, or school bus.

<u>Present law</u> provides for the issuance of a concealed handgun permit for a person who meets certain eligibility and training requirements.

<u>Present law</u> provides that a concealed handgun permit does not authorize nor entitle the permit holder to carry a concealed handgun in certain places, including into a school, school campus, or a school bus.

<u>Proposed law</u> repeals this <u>present law</u> exception relative to schools, school campuses, or school buses, but provides that if the concealed handgun permitee is a teacher, administrator, or employee of any school acting within the course and scope of his employment, or is a student of any school, the provisions of <u>present</u> and <u>proposed law</u> shall not be construed to authorize the teacher, administrator, employee, or student of the school to carry a concealed handgun into any school, school campus, or school bus unless specifically authorized to do so by law.

Further provides that nothing in <u>proposed law</u> limits the authority of a school board or a school to prohibit a person from carrying a firearm, or to regulate the carrying of a firearm, in certain venues or facilities within the school district or an individual school unless the person is otherwise authorized to do so by law.

<u>Proposed law</u> provides that a school board or school shall be absolutely immune from claims for monetary damages arising from or related to a visitor's use or failure to use a firearm.

<u>Present law</u> provides for a crime which prohibits the carrying of a firearm or dangerous weapon by a student or nonstudent on school property, at school-sponsored functions, or in a firearm free zone, and further provides for specific exceptions to this offense.

<u>Proposed law</u> retains <u>present law</u> but adds an exception for any person who has a valid concealed handgun permit issued pursuant to <u>present law</u> who carries a concealed handgun in accordance with the provisions of <u>proposed law</u>.

(Adds R.S. 14:95.2(C)(9) and R.S. 40:1379.3(X); Repeals R.S. 40:1379.3(N)(11))

Summary of Amendments Adopted by House

- The Committee Amendments Proposed by <u>House Committee on Administration of</u> <u>Criminal Justice</u> to the <u>original</u> bill:
- 1. Add that the provisions of <u>proposed law</u> do not authorize a student of the school to carry a concealed handgun into any school, school campus, or school bus unless specifically authorized to do so by law.
- 2. Add that <u>proposed law</u> does not limit the authority of the school to prohibit or regulate the carrying of firearms by a person in certain venues and facilities of the school, unless the person is otherwise authorized to do so by law.

The House Floor Amendments to the engrossed bill:

- 1. Add an exception to the crime which prohibits the carrying of a firearm or a dangerous weapon on school property, at school-sponsored functions, or in a firearm-free zone for any person who has a valid concealed handgun permit and who carries a concealed handgun in accordance with the provisions of <u>proposed law</u>.
- 2. Add that nothing in <u>proposed law</u> limits the authority of a school board to prohibit a person from carrying a firearm, or to regulate the carrying of a firearm, in certain venues or facilities within the school district.

3. Add that a school board or school shall be absolutely immune from claims for monetary damages arising from or related to a visitor's use or failure to use a firearm.