

2022 Regular Session

SENATE BILL NO. 143

BY SENATORS MORRIS AND CATHEY

WEAPONS. Provides relative to the concealed carrying of firearms. (8/1/22)

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AN ACT

To amend and reenact R.S. 40:1379.3(B)(2) and (I)(1) and (2), and to enact R.S. 14:95(M) and R.S. 40:1379.3.3, relative to the illegal carrying of weapons; to exempt certain persons from the crime of illegal carrying of weapons under certain circumstances; to provide for concealed weapon permits; to provide for exceptions; to provide relative to the completion of a sixty-minute online concealed handgun education course; to provide relative to a database of licensed firearm and handgun instructors; to provide relative to blood alcohol readings; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:95(M) is hereby enacted to read as follows:

§95. Illegal carrying of weapons

\* \* \*

**M. The provisions of Paragraph (A)(1) of this Section shall not apply to a resident of Louisiana if all of the following conditions are met:**

**(1) The person is twenty-one years of age or older.**

**(2) The person is not prohibited from possessing a firearm under R.S. 14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state**

1 or federal law.

2 (3)(a) The person is a reserve or active-duty member of any branch of  
3 the United States Armed Forces; a member of the Louisiana National Guard or  
4 the Louisiana Air National Guard; or a former member of any branch of the  
5 United States Armed Forces, the Louisiana National Guard, or the Louisiana  
6 Air National Guard who has been honorably discharged from service.

7 (b) At all times that a person is in possession of a concealed handgun  
8 pursuant to R.S. 40:1379.3(B)(2), that person shall have on his person proof that  
9 he meets the qualifications of Subparagraph (a) of this Paragraph demonstrated  
10 by one of the following:

11 (i) A valid military identification card.

12 (ii) A valid driver's license issued by the state of Louisiana displaying the  
13 word "Veteran" pursuant to R.S. 32:412(K).

14 (iii) A valid special identification card issued by the state of Louisiana  
15 displaying the word "Veteran" pursuant to R.S. 40:1321(K).

16 (iv) For a member released from service who does not qualify to have the  
17 word "Veteran" displayed on a state issued driver's license or special  
18 identification card, a Department of Defense Form 214 (DD-214) indicating the  
19 character of service as "Honorable" or "Under Honorable Conditions  
20 (General)" and a valid driver's license or special identification card issued by  
21 the state of Louisiana.

22 Section 2. R.S. 40:1379.3(B)(2) and (I)(1) and (2) are hereby amended and reenacted  
23 and R.S. 40:1379.3.3 is hereby enacted to read as follows:

24 §1379.3. Statewide permits for concealed handguns; application procedures;  
25 definitions

26 \* \* \*

27 B. \* \* \*

28 ~~(2)(a) A Louisiana resident shall be required to possess a valid concealed~~  
29 ~~handgun permit issued by the state of Louisiana pursuant to the provisions of this~~

1 Section in order to carry a concealed handgun in the state of Louisiana who meets  
2 the qualifications of R.S. 14:95(M) shall not be required to possess a valid  
3 concealed handgun permit issued by the state of Louisiana pursuant to the  
4 provisions of this Section in order to carry a concealed handgun in the state of  
5 Louisiana. The provisions of this Paragraph shall not affect the requirements  
6 of reciprocity as provided in Subsection T of this Section.

7 (b) Any person carrying a concealed firearm pursuant to this Paragraph  
8 shall be deemed to have certified that he meets all of the conditions required in  
9 R.S. 14:95(M).

10 \* \* \*

11 I.(1) No individual to whom a concealed handgun permit is issued or a  
12 person carrying a weapon pursuant to R.S. 14:95(M) may carry and conceal such  
13 handgun while under the influence of alcohol or a controlled dangerous substance.  
14 While a permittee is under the influence of alcohol or a controlled dangerous  
15 substance, an otherwise lawful permit is considered automatically suspended and is  
16 not valid. A permittee shall be considered under the influence as evidenced by a  
17 blood alcohol reading of .05 percent or greater by weight of alcohol in the blood, or  
18 when a blood test or urine test shows any confirmed presence of a controlled  
19 dangerous substance as defined in R.S. 40:961 and 964.

20 (2) A permittee armed with a handgun in accordance with this Section or a  
21 person carrying a weapon pursuant to R.S. 14:95(M) shall notify any police  
22 officer who approaches the permittee in an official manner or with an identified  
23 official purpose that he has a weapon on his person, submit to a pat down, and allow  
24 the officer to temporarily disarm him. Whenever a law enforcement officer is made  
25 aware that an individual is carrying a concealed handgun and the law enforcement  
26 officer has reasonable grounds to believe that the individual is under the influence  
27 of either alcohol or a controlled dangerous substance, the law enforcement officer  
28 may take temporary possession of the handgun and request submission of the  
29 individual to a department certified chemical test for determination of the chemical

1 status of the individual. Whenever a law enforcement officer is made aware that an  
2 individual is behaving in a criminally negligent manner as defined under the  
3 provisions of this Section, or is negligent in the carrying of a concealed handgun as  
4 provided for in R.S. 40:1382, the law enforcement officer may seize the handgun,  
5 until adjudication by a judge, if the individual is issued a summons or arrested under  
6 the provisions of R.S. 40:1382. Failure by the permittee to comply with the  
7 provisions of this Paragraph shall result in a six-month automatic suspension of the  
8 permit.

9 \* \* \*

10 **§1379.3.3. Louisiana permitless carry**

11 **A. The Department of Public Safety and Corrections, office of state**  
12 **police, shall provide a sixty-minute online concealed handgun education course**  
13 **at no cost to Louisiana residents.**

14 **B. The concealed handgun education course shall cover the following**  
15 **topics:**

16 **(1) Concealed handgun basics and nomenclature.**

17 **(2) Firearm-free zones.**

18 **(3) Use of deadly force.**

19 **(4) Interactions with law enforcement officers.**

20 **C. The sixty-minute concealed handgun education course does not fulfill**  
21 **the requirements for obtaining a concealed handgun permit under R.S.**  
22 **40:1379.3.**

23 **D. State police shall maintain an online database of all licensed handgun**  
24 **and firearm instructors to allow the public to search for classes.**

25 **E. State police shall post prominently on its website all conditions**  
26 **required to be met to authorize the carrying of a concealed handgun without a**  
27 **valid concealed handgun permit pursuant to R.S. 14:95(M) and R.S.**  
28 **40:1379.3(B)(2).**

29 **F. The Department of Public Safety and Corrections, office of state**

1           police, shall promulgate rules and regulations in accordance with the  
 2           Administrative Procedure Act to implement the provisions of this Section.

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The original instrument was prepared by Alan Miller. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jacob Wilson.

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DIGEST

SB 143 Reengrossed

2022 Regular Session

Morris

Present law provides for the crime of "illegal carrying of weapons" in part as the intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon by a person.

Present law provides for certain exceptions to the crime of illegal carrying of weapons, including for those La. residents issued a concealed handgun permit by the Dept. of Public Safety and Corrections.

Proposed law creates an additional exception for any La. resident who does not possess a concealed handgun permit but otherwise meets the same eligibility requirements as those who do possess a concealed handgun permit, if the resident is a reserve or active-duty member of any branch of the U.S. Armed Forces; a member of the La. National Guard or the La. Air National Guard; or a former member of any branch of the U.S. Armed Forces, the La. National Guard, or the La. Air National Guard who has been honorably discharged from service.

Proposed law requires that a person in possession of a concealed handgun pursuant to the permit exception must have on his person proof that he meets the qualifications, which may be a valid military ID, a valid La. driver's license or special ID card displaying the word "Veteran", or a valid La. driver's license or special ID card accompanied by a Dept. of Defense Form 214 indicating character of service as "Honorable" or "Under Honorable Conditions (General)".

Proposed law provides that any person carrying a concealed handgun pursuant to the permit exception is deemed to have met all requirements of proposed law.

Present law prohibits a concealed handgun permit holder from carrying and concealing a handgun while under the influence of alcohol or a controlled dangerous substance.

Proposed law extends the prohibition from carrying and concealing a handgun while under the influence of alcohol or a controlled dangerous substance to nonpermitted but otherwise legal carriers.

Present law requires a concealed handgun permit holder to notify any police officer who approaches the permittee in an official manner or with an identified official purpose that he has a weapon on his person, submit to a pat-down, and allow the officer to temporarily disarm him.

Proposed law extends the notification requirement to nonpermitted but otherwise legal carriers.

Proposed law requires state police to provide a 60-minute online concealed handgun education course.

Proposed law requires state police to maintain an online database of all licensed handgun and firearm instructors to be made available to the public.

Proposed law requires state police to post on its website all requirements to meet the concealed carry permit exception.

Effective August 1, 2022.

(Amends R.S. 40:1379.3(B)(2) and (I)(1) and (2); adds R.S. 14:95(M) and R.S. 40:1379.3.3)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Removes stipulation of no pending disciplinary proceedings for qualifying U.S. Armed Forces and Louisiana National Guard members.
2. Adds requirement that persons in possession of a concealed handgun must have on their person documentary proof of qualification for the exception.
3. Adds that any person carrying pursuant to this exception are deemed to have met all the qualifications.
4. Adds requirement that state police post on its website all requirements to carry a concealed handgun without a permit under this exception.
5. Makes technical changes.