

2021 Regular Session

SENATE BILL NO. 118

BY SENATOR MORRIS

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

WEAPONS. Provides relative to the concealed carrying of firearms. (8/1/21)

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(B) and (I)(1) and (2), and to enact R.S. 14:95(M),

3 relative to the illegal carrying of weapons; to exempt certain persons from the crime

4 of illegal carrying of weapons under certain circumstances; to provide for concealed

5 weapon permits; to provide for exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §95. Illegal carrying of weapons

9 * * *

10 **M. The provisions of Paragraph (A)(1) of this Section shall not apply to**

11 **a resident of Louisiana if both of the following conditions are met:**

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

13 **(2) The person is not prohibited from possessing a firearm under R.S.**

14 **14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state**

15 **or federal law.**

16 Section 2. R.S. 40:1379.3(B) and (I)(1) and (2) are hereby amended and reenacted

17 to read as follows:

1 §1379.3. Statewide permits for concealed handguns; application procedures;
2 definitions

3 * * *

4 B.~~(1)~~ A concealed handgun permit shall be issued only to a Louisiana
5 resident who qualifies for a permit under the provisions of this Section. A concealed
6 handgun permit issued pursuant to the provisions of this Section shall grant authority
7 to a Louisiana resident to carry a concealed handgun on his person.

8 ~~(2) A Louisiana resident shall be required to possess a valid concealed~~
9 ~~handgun permit issued by the state of Louisiana pursuant to the provisions of this~~
10 ~~Section in order to carry a concealed handgun in the state of Louisiana.~~

11 * * *

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

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

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

10 * * *

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alan Miller.

DIGEST

SB 118 Original

2021 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 on one's 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 those La. residents who do not possess a concealed handgun permit, but otherwise meet those eligibility requirements.

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.

Effective August 1, 2021.

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