

SENATE BILL NO. 361

BY SENATOR RISER AND REPRESENTATIVES ADAMS, ARNOLD, BERTHELOT, STUART BISHOP, BROADWATER, BURFORD, HENRY BURNS, CHANEY, CONNICK, CROMER, DOVE, GAROFALO, GISCLAIR, GREENE, GUINN, HARRISON, HAZEL, HODGES, HOFFMANN, HOLLIS, IVEY, KLECKLEY, LEGER, LOPINTO, LORUSSO, JAY MORRIS, PYLANT, REYNOLDS, SCHEXNAYDER, SEABAUGH, THOMPSON, WHITNEY, ALFRED WILLIAMS AND WILLMOTT

1 AN ACT

2 To enact R.S. 40:1379.1.2, 1379.1.3, and 1379.1.4, relative to the carrying of concealed  
3 firearms by law enforcement officers and retired law enforcement officers; to  
4 authorize the carrying of concealed firearms by certain officers and former officers  
5 in public places; to provide relative to accepted forms of identification; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 40:1379.1.2, 1379.1.3, and 1379.1.4 are hereby enacted to read as  
9 follows:

10 **§1379.1.2. Carrying of concealed firearms by qualified law enforcement**  
11 **officers**

12 **A. Notwithstanding any other provision of state law or any ordinance of**  
13 **any political subdivision and subject to the rules and regulations or policies of**  
14 **the agency or office employing the individual, an individual who is a qualified**  
15 **law enforcement officer and who is carrying the identification required by his**  
16 **office as a law enforcement officer, may carry a concealed firearm anywhere in**  
17 **the state, including any place open to the public, whether the officer is on duty**  
18 **or not, and regardless of whether the officer is engaged in the actual discharge**  
19 **of his duties.**

20 **B. As used in this Section, the term "qualified law enforcement officer"**  
21 **means a law enforcement officer who meets all of the following requirements:**

22 **(1) Is an active, full-time employee of a state or municipal law**  
23 **enforcement agency or sheriff's office and is certified in the use of firearms by**  
24 **the Peace Officer Standards and Training Council.**

1           (2) Is authorized by law to engage in or supervise the prevention,  
 2           detection, investigation, or prosecution of, or the incarceration of any person  
 3           for, any violation of law, and has statutory powers of arrest or apprehension.

4           (3) Is authorized by the employing agency to carry a firearm in  
 5           accordance with the agency's rules and regulations.

6           (4) Is not the subject of any disciplinary action by the agency which could  
 7           result in suspension or loss of police powers.

8           (5) Meets standards, if any, established by the agency which require the  
 9           employee to regularly qualify in the use of a firearm.

10          (6) Is not under the influence of alcohol or another intoxicating or  
 11          hallucinatory drug or substance.

12          (7) Is not prohibited by federal law from receiving a firearm.

13          C. The identification required by this Section is the photographic  
 14          identification credential issued by the law enforcement agency for which the  
 15          individual is employed that identifies the employee as a law enforcement officer  
 16          of the agency.

17          §1379.1.3. Carrying of concealed firearms by qualified retired law enforcement  
 18                  officers

19          A. Notwithstanding any other provision of state law or any ordinance of  
 20          any political subdivision and subject to the rules and regulations or policies of  
 21          the agency or office from which the individual has retired, an individual who is  
 22          retired from service as a qualified law enforcement officer and who was  
 23          commissioned by the agency or office from which he retired and is carrying the  
 24          identification required by his office as a retired law enforcement officer, may  
 25          carry a concealed firearm anywhere in the state, including any place open to the  
 26          public.

27          B. As used in this Section, the term "qualified retired law enforcement  
 28          officer" means an individual who meets all of the following:

29                  (1) Separated from service in good standing from a law enforcement  
 30                  agency as a qualified law enforcement officer.

1           (2) Before such separation, was an active, full-time employee of a state  
2           or municipal law enforcement agency or sheriff's office and is certified in the  
3           use of firearms by the Peace Officer Standards and Training Council.

4           (3) Was authorized by law to engage in or supervise the prevention,  
5           detection, investigation, or prosecution of, or the incarceration of any person  
6           for, any violation of law, and had statutory powers of arrest.

7           (4)(a) Before such separation, served as a law enforcement officer for an  
8           aggregate of twelve years or more; or

9           (b) Separated from service with such agency after completing any  
10           applicable probationary period of such service due to a service-connected  
11           disability, as determined by such agency.

12           (5) Qualifies annually in the use of firearms by the Peace Officer  
13           Standards and Training Council and has proof of such certification.

14           (6)(a) Has not been officially found by a qualified medical professional  
15           employed by the agency to be unqualified for reasons relating to mental health  
16           and as a result of this finding will not be issued the photographic identification  
17           as described in Subsection C of this Section; or

18           (b) Has not entered into an agreement with the agency from which the  
19           individual separated from service in which that individual acknowledged he or  
20           she was not qualified under this Section for reasons relating to mental health  
21           and for those reasons did not receive or accept the photographic identification  
22           as described in Subsection C of this Section.

23           (7) Is not under the influence of alcohol or another intoxicating or  
24           hallucinatory drug or substance.

25           (8) Is not prohibited by federal law from receiving a firearm.

26           C. The identification required by this Section is the photographic  
27           identification credential issued by the agency from which the individual  
28           separated from service as a law enforcement officer that identifies the person  
29           as having been employed as a law enforcement officer.

30           §1379.1.4. Conflict provision

1                    Nothing in the provisions of R.S. 40:1379.1.2 and 1379.1.3 shall be  
2                    construed to supersede the provisions of R.S. 40:1797, and in case of any  
3                    conflict, the provisions of R.S. 40:1797 shall control.

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PRESIDENT OF THE SENATE

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_