

2016 Regular Session

HOUSE BILL NO. 1155 (Substitute for House Bill No. 176 by Representative Hodges)

BY REPRESENTATIVES HODGES, ADAMS, AMEDEE, BACALA, BAGLEY, BAGNERIS, BARRAS, BERTHELOT, BROADWATER, TERRY BROWN, CARMODY, COUSSAN, COX, DAVIS, DEVILLIER, FALCONER, GAROFALO, GISCLAIR, GUINN, HAVARD, HAZEL, HENRY, HILL, HOFFMANN, HORTON, HOWARD, IVEY, MIKE JOHNSON, MAGEE, MARCELLE, MIGUEZ, JAY MORRIS, NORTON, PEARSON, POPE, PYLANT, RICHARD, SCHRODER, SEABAUGH, TALBOT, WHITE, WILLMOTT, AND ZERINGUE

1 AN ACT

2 To enact R.S. 40:1379.3.2, relative to concealed handgun permits; to provide for the
3 issuance of temporary concealed firearms permit; to authorize the temporary
4 carrying of a concealed handgun without a permit for persons who have obtained a
5 domestic abuse protective order; to provide for applicability; to provide for the
6 application process; to provide relative to the effects of obtaining such a permit; to
7 provide for time limitations; to provide relative to the payment of a fee; to provide
8 for rulemaking; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 40:1379.3.2 is hereby enacted to read as follows:

11 §1379.3.2. Temporary concealed handgun permit; protective order; time limitations

12 A. A person on whose behalf the court has issued a permanent injunction or
13 a protective order to bring about the cessation of abuse by one family member,
14 household member, or dating partner pursuant to a court-approved consent
15 agreement or pursuant to the provisions of R.S. 9:361 et seq., R.S. 9:372, R.S.
16 46:2136, 2151, or 2173, Children's Code Article 1570, Code of Civil Procedure
17 Article 3607.1, or Code of Criminal Procedure Articles 30, 327.1, 335.1, 335.2, or
18 871.1 and which prohibits the subject of the order from possessing a firearm for the
19 duration of the injunction or protective order pursuant to the provisions of R.S.
20 46:2136.3 may apply to the deputy secretary of public safety services of the

1 Department of Public Safety and Corrections for the issuance of a temporary
2 concealed handgun permit.

3 B. When submitting an application for a temporary concealed handgun
4 permit, the applicant shall:

5 (1) Make sworn application in person or electronically to the deputy
6 secretary of public safety services of the Department of Public Safety and
7 Corrections. The providing of false or misleading information on the application or
8 any documents submitted with the application shall be grounds for the denial or
9 revocation of a temporary concealed handgun permit.

10 (2) Agree in writing to hold harmless and indemnify the department, the
11 state, or any peace officer for any and all liability arising out of the issuance or use
12 of the temporary concealed handgun permit.

13 (3) Meet the qualifications for the issuance of a concealed handgun permit
14 as provided for in R.S. 40:1379.3(C); however, an applicant for a temporary
15 concealed handgun permit shall not be required to comply with the provisions of
16 R.S. 40:1379.3(D) upon application.

17 (4) Pay the twenty-five dollar fee authorized in R.S. 40:1379.3(H)(2).

18 C.(1) The holder of a temporary concealed handgun permit shall not be
19 subject to the provisions of R.S. 40:1379.3(D) pending completion of the requisite
20 training for a concealed handgun permit issued pursuant to the provisions of R.S.
21 40:1379.3, but shall otherwise comply with all other restrictions and provisions of
22 R.S. 40:1379.3.

23 (2) If the applicant for a temporary concealed handgun permit applies for a
24 concealed handgun permit issued pursuant to the provisions of R.S. 40:1379.3, the
25 twenty-five dollar fee paid shall be applied to the cost of a concealed handgun permit
26 as provided for in R.S. 40:1379.3(H)(2) issued once the temporary concealed
27 handgun permittee completes the requisite training pursuant to R.S. 40:1379.3(D).

28 D. The temporary concealed handgun permit:

29 (1) Is valid only in Louisiana and shall not be considered as satisfying the
30 requirements of reciprocity with any other state concealed firearm provisions.

1 (2) Shall not be construed to constitute evidence of a background check
2 required pursuant to 18 U.S.C. 922 prior to the transfer of a firearm as authorized by
3 the provisions of R.S. 40:1379.3(T).

4 (3) Shall expire forty-five days from the date of issuance.

5 E. The person issued a temporary concealed handgun permit as provided by
6 the provisions of this Section is authorized to carry a concealed handgun for a period
7 of forty-five days from issuance or until the concealed handgun permit issued
8 pursuant to the provisions of R.S. 40:1379.3 is issued, whichever is less.

9 F. Failure to carry a copy of the permanent injunction or the protective order
10 at all times the person is carrying the concealed handgun shall render the temporary
11 concealed handgun permit invalid.

12 G. The department shall conduct a background check as provided for in R.S.
13 40:1379.3(K) prior to the issuance of a temporary concealed handgun permit.

14 H. The office of state police shall promulgate rules to implement the
15 provisions of this Section.

16 Section 2. This Act shall be referred to as "The Brandi Trahan Act".

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____