

2017 Regular Session

HOUSE BILL NO. 43

BY REPRESENTATIVE HORTON

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

WEAPONS/FIREARMS: Prohibits the possession of imitation firearms, projectiles, or ammunition on or within a certain distance of school property or at school-sponsored functions

1 AN ACT

2 To enact R.S. 14:95.9.1, relative to unlawful possession of imitation firearms, projectiles,  
3 or ammunition; to prohibit the possession of imitation firearms, projectiles, and  
4 ammunition on or within a certain distance of school property and at school-  
5 sponsored functions; to provide for certain exceptions; to provide for criminal  
6 penalties; to provide for definitions; to provide relative to the destruction or return  
7 of items seized relative to the offense; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:95.9.1 is hereby enacted to read as follows:

10 §95.9.1. Unlawful possession of imitation firearm, projectile, or ammunition on  
11 school property

12 A. It is unlawful for any student or nonstudent to possess an imitation  
13 firearm, projectile, or ammunition at any time while on a school campus, on any  
14 school bus, or at any school-sponsored function in a specific designated area  
15 including but not limited to athletic competitions, dances, parties, or any  
16 extracurricular activities, or within one thousand feet of any school campus.

17 B. For purposes of this Section:

18 (1) "Ammunition" means any cartridge, shell, or projectile designed for use  
19 in a firearm.

1           (2) "Campus" means all facilities and property within the boundary of the  
2           school property.

3           (3) "Imitation firearm" means any BB device, toy gun, replica of a firearm,  
4           CO2 propellant firearm device, or other device that is substantially similar in  
5           coloration and overall appearance to an existing firearm as to lead a reasonable  
6           person to perceive that the device is a firearm.

7           (4) "Nonstudent" means any person not registered and enrolled in that school  
8           or a suspended student who does not have permission to be on the school campus.

9           (5) "Projectiles" means non-powder items, usually made of hard metal or  
10           plastic, propelled by the use of an imitation firearm through the use of air pressure,  
11           CO2 pressure, or spring action.

12           (6) "School" means any elementary, secondary, high school, vocational-  
13           technical school, college, or university in this state.

14           (7) "School bus" means any motor bus being used to transport children to  
15           and from school or in connection with school activities.

16           C. The provisions of this Section shall not apply to:

17           (1) A federal law enforcement officer or a Louisiana-commissioned state or  
18           local P.O.S.T.-certified law enforcement officer who is authorized to carry a firearm.

19           (2) A school official or employee acting during the normal course of his  
20           employment or a student acting under the direction of such school official or  
21           employee.

22           (3) Any person having the written permission of the principal or as provided  
23           in R.S. 17:3361.1.

24           (4) The possession of an imitation firearm, projectile, or ammunition  
25           occurring within one thousand feet of school property and entirely on private  
26           property, entirely within a private residence, or entirely within a motor vehicle.

27           (5) Any student carrying an imitation firearm, projectile, or ammunition to  
28           or from a class, in which he is duly enrolled, that requires the use of the imitation  
29           firearm, projectile, or ammunition in the class.

1           (6) A student enrolled or participating in an activity requiring the use of an  
2           imitation firearm, projectile, or ammunition including but not limited to any  
3           R.O.T.C. function, band function, or any other function under the authorization of  
4           a university.

5           D. Lack of knowledge that the prohibited act occurred on or within one  
6           thousand feet of school property is not a defense.

7           E. School officials shall notify all students and parents of the enactment of  
8           this statute with reasonable effort by posting information on the school's website,  
9           sending informative flyers home with students, and mailing information to the parent  
10          or guardian of each student at the known address of the student.

11          F.(1) On a first offense violation of the provisions of Subsection A of this  
12          Section, the offender may be imprisoned for not more than six months, fined two  
13          hundred fifty dollars, or both.

14          (2) On a second or subsequent violation of the provisions of Subsection A  
15          of this Section, the offender shall be imprisoned for not more than six months and  
16          fined five hundred dollars.

17          (3) Upon conviction or adjudication, all items seized and identified as  
18          imitation firearms, projectiles, or ammunition pursuant to the provisions of this  
19          Section shall be destroyed and are not subject to being returned unless it is  
20          determined that the items were stolen from an uninvolved party prior to their use in  
21          the offense.

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#### 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)]

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HB 43 Original

2017 Regular Session

Horton

**Abstract:** Prohibits the possession of imitation firearms, projectiles, or ammunition on school property, at school-sponsored functions, or within one thousand feet of a school campus.

Proposed law prohibits the possession of imitation firearms, projectiles, or ammunition at any time while on a school campus, on any school bus, or at any school-sponsored function

or within 1,000 feet of any school campus. Requires the school to notify all students and parents of the enactment of this prohibition.

Proposed law provides that this prohibition shall not apply to any of the following:

- (1) A federal law enforcement officer or a Louisiana-commissioned state or local P.O.S.T.-certified law enforcement officer who is authorized to carry a firearm.
- (2) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
- (3) Any person having the written permission of the principal or as provided in R.S. 17:3361.1 (regarding fundraising events).
- (4) The possession of an imitation firearm, projectile, or ammunition occurring within 1,000 feet of school property and entirely on private property, entirely within a private residence, or entirely within a motor vehicle.
- (5) Any student carrying an imitation firearm, projectile, or ammunition to or from a class, in which he is duly enrolled, that requires the use of the imitation firearm, projectile, or ammunition in the class.
- (6) A student enrolled or participating in an activity requiring the use of an imitation firearm, projectile, or ammunition including but not limited to any R.O.T.C. function, band function, or any other function under the authorization of a university.

Any person convicted of the proposed law offense is subject to the following penalties:

- (1) On a first offense violation, the offender may be imprisoned for not more than six months, fined \$250, or both.
- (2) On a second or subsequent violation, the offender shall be imprisoned for not more than six months and fined \$500.

Proposed law further provides that upon conviction or adjudication, all items seized and identified as imitation firearms, projectiles, or ammunition shall be destroyed and are not subject to being returned unless it is determined that the items were stolen from an uninvolved party prior to their use in the offense.

Proposed law defines "ammunition", "campus", "imitation firearm", "nonstudent", "projectiles", "school" and "school bus".

(Adds R.S. 14:95.9.1)