

2019 Regular Session

HOUSE BILL NO. 382

BY REPRESENTATIVE COX

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

WEAPONS/FIREARMS: Prohibits the possession of a firearm in a park, playground, or recreational facility that is open to the public

1 AN ACT

2 To enact R.S. 14:95.4, relative to the illegal possession of firearms; to prohibit the
3 possession of a firearm in a park, playground, or recreational facility that is open to
4 the public; to provide for criminal penalties; to provide for definitions; to provide for
5 exceptions; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95.4 is hereby enacted to read as follows:

8 §95.4. Illegal possession of a firearm in a park, playground, or recreational facility

9 A. Except as authorized by R.S. 56:1691, no person shall intentionally
10 possess a firearm in a park, playground, or recreational facility.

11 B. The provisions of this Section do not apply to any law enforcement
12 officer or to any constitutionally protected activity which cannot be regulated by the
13 state, such as a firearm contained entirely within a motor vehicle.

14 C. For purposes of this Section:

15 (1) "Law enforcement officer" includes any federal law enforcement officer
16 or any commissioned state or local police officer, wildlife enforcement agent, sheriff,
17 deputy sheriff, marshal, deputy marshal, or state park warden.

18 (2) "Park, playground, or recreational facility" includes any area or building
19 that is owned by a recreation district, a political subdivision of the state, or by a

1 private person or entity; that is open to the public; and that is used or operated as a
2 park or playground or for recreational purposes.

3 D.(1) For parks, playgrounds, or recreational facilities owned by a recreation
4 district or a political subdivision of the state, the governing authority of the
5 recreation district or political subdivision shall develop a method by which to mark
6 each park, playground, or recreational district within its jurisdiction as a firearm-free
7 zone, including the use of signs or other markings suitable to the location. The sign
8 or marking shall also provide notice that armed law enforcement officers are
9 permitted within the park, playground, or recreational facility.

10 (2) For parks, playgrounds, or recreational facilities that are privately owned,
11 the owner of the property shall develop a method by which to mark the park,
12 playground, or recreational facility as a firearm-free zone, including the use of signs
13 or other markings suitable to the location. The sign or marking shall also provide
14 notice that armed law enforcement officers are permitted within the park,
15 playground, or recreational facility.

16 E. Whoever violates the provisions of this Section shall be either fined not
17 more than one thousand dollars, imprisoned for not more than two years, or both.

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)]

HB 382 Original

2019 Regular Session

Cox

Abstract: Prohibits the intentional possession of a firearm in any park, playground, or recreational facility that is open to the public, provides for criminal penalties, and provides for certain exceptions.

Proposed law prohibits any person from possessing a firearm in any park, playground, or recreational facility except as otherwise provided by present law (R.S. 56:1691) which provides that a person who lawfully possesses a firearm may possess or transport such firearm within the boundaries of a state park, state historic site, state preservation area, wildlife management area, or wildlife refuge.

Proposed law defines "park, playground, or recreational facility" to include any area or building that is owned by a recreation district, a political subdivision of the state, or by a private person or entity; that is open to the public; and that is used or operated as a park or playground or for recreational purposes.

Proposed law provides that this prohibition does not apply to any law enforcement officer or to any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.

Proposed law provides that any person convicted of the offense shall be either fined up to \$1,000, imprisoned for up to two years, or both.

Proposed law requires the owner of the park, playground, or recreational facility to develop a method by which to mark the park, playground, or recreational facility as a firearm-free zone, including the use of signs or other markings suitable to the location. The sign or marking shall also provide notice that armed law enforcement officers are permitted within the park, playground, or recreational facility.

(Adds R.S. 14:95.4)