

SENATE BILL NO. 143

BY SENATORS MORRIS, CATHEY AND BERNARD AND REPRESENTATIVES THOMPSON AND GAROFALO

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(B)(2) and (I)(1) and (2), and to enact R.S. 14:95(M)
3 and R.S. 40:1379.3.3, relative to the illegal carrying of weapons; to exempt certain
4 persons from the crime of illegal carrying of weapons under certain circumstances;
5 to provide for concealed weapon permits; to provide for exceptions; to provide
6 relative to an online education course; to provide relative to a database of licensed
7 firearm and handgun instructors; relative to an to provide relative to blood alcohol
8 readings; to provide for promulgation of rules; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

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

11 §95. Illegal carrying of weapons

12 * * *

13 **M. The provisions of Paragraph (A)(1) of this Section shall not apply to**
14 **a resident of Louisiana if all of the following conditions are met:**

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

16 **(2) The person is not prohibited from possessing a firearm under R.S.**
17 **14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state**
18 **or federal law.**

19 **(3)(a) The person is a reserve or active-duty member of any branch of the**
20 **United States Armed Forces; a member of the Louisiana National Guard or the**
21 **Louisiana Air National Guard; or a former member of any branch of the United**
22 **States Armed Forces, the Louisiana National Guard, or the Louisiana Air**
23 **National Guard who has been honorably discharged from service.**

24 **(b) At all times that a person is in possession of a concealed handgun**
25 **pursuant to R.S. 40:1379.3(B)(2), that person shall have on his person proof that**
26 **he meets the qualifications of Subparagraph (a) of this Paragraph demonstrated**

1 by one of the following:

2 (i) A valid military identification card.

3 (ii) A valid driver's license issued by the state of Louisiana displaying the
4 word "Veteran" pursuant to R.S. 32:412(K).

5 (iii) A valid special identification card issued by the state of Louisiana
6 displaying the word "Veteran" pursuant to R.S. 40:1321(K).

7 (iv) For a member released from service who does not qualify to have the
8 word "Veteran" displayed on a state issued driver's license or special
9 identification card, a Department of Defense Form 214 (DD-214) indicating the
10 character of service as "Honorable" or "Under Honorable Conditions
11 (General)" and a valid driver's license or special identification card issued by the
12 state of Louisiana.

13 Section 2. R.S. 40:1379.3(B)(2) and (I)(1) and (2) are hereby amended and reenacted
14 and R.S. 40:1379.3.3 is hereby enacted to read as follows:

15 §1379.3. Statewide permits for concealed handguns; application procedures;
16 definitions

17 * * *

18 B. * * *

19 (2)(a) A Louisiana resident shall be required to possess a valid concealed
20 handgun permit issued by the state of Louisiana pursuant to the provisions of this
21 Section in order to carry a concealed handgun in the state of Louisiana **who meets the**
22 **qualifications of R.S. 14:95(M) shall not be required to possess a valid concealed**
23 **handgun permit issued by the state of Louisiana pursuant to the provisions of**
24 **this Section in order to carry a concealed handgun in the state of Louisiana. The**
25 **provisions of this Paragraph shall not affect the requirements of reciprocity as**
26 **provided in Subsection T of this Section.**

27 (b) Any person carrying a concealed firearm pursuant to this Paragraph
28 shall be deemed to have certified that he meets all of the conditions required in
29 R.S. 14:95(M).

30 * * *

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

10 (2) A permittee armed with a handgun in accordance with this Section **or a**
 11 **person carrying a weapon pursuant to R.S. 14:95(M)** shall notify any police officer
 12 who approaches the permittee in an official manner or with an identified official
 13 purpose that he has a weapon on his person, submit to a pat down, and allow the
 14 officer to temporarily disarm him. Whenever a law enforcement officer is made aware
 15 that an individual is carrying a concealed handgun and the law enforcement officer
 16 has reasonable grounds to believe that the individual is under the influence of either
 17 alcohol or a controlled dangerous substance, the law enforcement officer may take
 18 temporary possession of the handgun and request submission of the individual to a
 19 department certified chemical test for determination of the chemical status of the
 20 individual. Whenever a law enforcement officer is made aware that an individual is
 21 behaving in a criminally negligent manner as defined under the provisions of this
 22 Section, or is negligent in the carrying of a concealed handgun as provided for in R.S.
 23 40:1382, the law enforcement officer may seize the handgun, until adjudication by a
 24 judge, if the individual is issued a summons or arrested under the provisions of R.S.
 25 40:1382. Failure by the permittee to comply with the provisions of this Paragraph
 26 shall result in a six-month automatic suspension of the permit.

27 * * *

28 **§1379.3.3. Louisiana permitless carry**

29 **A. The Department of Public Safety and Corrections, office of state**
 30 **police, shall provide a two-hour online concealed handgun education course at**

1 no cost to Louisiana residents.

2 B. The purpose of this online education course is to educate the public on
3 firearm safety and use. The course is optional and shall not be a requirement for
4 obtaining a concealed handgun permit under R.S. 40:1379.3. Completion of this
5 course shall not grant any person the right to carry a concealed handgun unless
6 otherwise provided by law.

7 C. The concealed handgun education course shall include instruction on
8 the following topics:

9 (1) Concealed handgun basics and nomenclature.

10 (2) Firearm-free zones.

11 (3) Use of deadly force.

12 (4) Interactions with law enforcement officers.

13 (5) Conflict resolution.

14 (6) Accident prevention.

15 (7) Unauthorized access prevention.

16 (8) Safe handling of a handgun.

17 D. State police shall maintain an online database of all licensed handgun
18 and firearm instructors to allow the public to search for classes.

19 E. State police shall post prominently on its website all conditions
20 required to be met to authorize the carrying of a concealed handgun without a
21 valid concealed handgun permit pursuant to R.S. 14:95(M) and R.S.
22 40:1379.3(B)(2).

23 F.(1) The content, structure, accessibility, and all other related matters
24 of the online handgun education shall be developed and promulgated by the
25 Department of Public Safety and Corrections, office of state police, in accordance
26 with the rules and regulations of the Administrative Procedure Act.

27 (2) In accordance with Paragraph (1) of this Subsection, the Department
28 of Public Safety and Corrections, office of state police, shall divide the topics
29 provided in Subsection C of this Section into eight video segments that shall
30 broadcast for no less than fifteen minutes per segment.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____