

2022 Regular Session

SENATE BILL NO. 287

BY SENATOR BERNARD

WEAPONS. Provides for lifetime concealed handgun permits and reduces the permit fee.
(8/1/22)

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AN ACT

To amend and reenact R.S. 40:1379.3(A)(1), (H)(2), (K), and (W)(1) and (2) and to repeal R.S. 40:1379.3(V), relative to statewide permits for concealed handguns; to make all concealed handgun permits lifetime permits unless requested for a shorter period of time; to provide relative to background checks and training requirements for concealed handgun permit applicants; to provide for the use of digital format permits; to provide relative to permit fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.3(A)(1), (H)(2), (K), and (W)(1) and (2) are hereby amended and reenacted to read as follows:

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

A.(1) Notwithstanding any other provision of law to the contrary, the deputy secretary of public safety services of the Department of Public Safety and Corrections shall issue a concealed handgun permit to any Louisiana resident who qualifies for a permit under the provisions of this Section and may promulgate rules and adopt regulations regarding concealed handgun permits in accordance with the

1 Administrative Procedure Act. The permit shall contain a permit number, **an**
 2 expiration date; **if the permit is issued for a shorter period of time than the**
 3 **lifetime of the permittee, a** photograph **of the permittee,** and the name, address,
 4 and date of birth of the permittee. **The permit shall be issued in both a physical**
 5 **version and in a digitized format available to the permittee through an**
 6 **electronic wallet pursuant to the provisions of R.S. 39:17.1 et seq.**

7 * * *

8 H. * * *

9 (2)(a) The deputy secretary of public safety services of the Department of
 10 Public Safety and Corrections shall issue timely and without delay ~~the a~~ **concealed**
 11 handgun permit to ~~all~~ **each** qualified ~~applicants~~ **applicant,** which permit shall be for
 12 ~~a term of five years~~ **the lifetime of the permittee,** at a cost of ~~twenty-five~~ **two**
 13 **hundred fifty** dollars ~~per year,~~ and which shall be valid in all parishes statewide.
 14 The division ~~may~~ **shall** promulgate rules for the purpose of providing for **the**
 15 **issuance of** permits ~~and fees for fewer~~ **a shorter time period** than ~~five years~~ **the**
 16 **lifetime of the permittee** to ~~the~~ applicants requesting a **permit for a** shorter time
 17 period. ~~Fees may~~ **The permit fee shall** be reduced proportionately for ~~terms of fewer~~
 18 **a permit issued for any term shorter** than ~~five years~~ **the lifetime of the permittee.**

19 (b) The permit shall be retained by the permittee, who shall immediately
 20 produce it upon the request of any law enforcement officer. **The requirements of**
 21 **this Subparagraph shall be satisfied if the permittee retains and produces either**
 22 **the physical permit or a copy of the permit in digitized format pursuant to**
 23 **Paragraph (A)(1) of this Section.**

24 * * *

25 K. The department shall ~~execute a thorough~~ **conduct a** background
 26 investigation, ~~including a criminal history check,~~ of ~~every~~ **each** applicant for the
 27 purpose of verifying the qualifications of the applicant pursuant to the requirements
 28 of this Section. ~~For purposes of this Subsection, a background check shall be defined~~
 29 ~~as a computer check of available on-line state records, and, if warranted, the~~

1 fingerprints may be forwarded to the Federal Bureau of Investigation for a national
 2 criminal history record check. In addition, the department shall submit by
 3 submitting an inquiry on ~~every~~ the applicant to the National Instant Criminal
 4 Background Check System of the Federal Bureau of Investigation in the same
 5 manner as the background check required by 18 U.S.C. 922(t).

6 * * *

7 W.(1) Notwithstanding any provision of law to the contrary, a person who
 8 is an active duty member or reserve member of the armed forces of the United States
 9 at the time his application is submitted shall pay one half of the ~~annual~~ fee
 10 provided for in Paragraph Subparagraph (H)(2)(a) of this Section for a ~~five-year~~
 11 permit, or if applying for a lifetime concealed handgun permit, he shall prepay that
 12 fee for a total of ten years at the time the application for the lifetime concealed
 13 handgun permit is made one half of the proportionately reduced fee for a term
 14 shorter than the lifetime of the permittee as provided for in Subparagraph
 15 (H)(2)(a) of this Section.

16 (2) A veteran of the armed forces of the United States shall be exempt from
 17 all fees associated with the ~~five-year permit or lifetime concealed carry permit.~~

18 * * *

19 Section 2. R.S. 40:1379.3(V) is hereby repealed in its entirety.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 287 Original 2022 Regular Session Bernard

Present law provides that the Dept. of Public Safety and Corrections is to issue a concealed handgun permit (CHP) to any Louisiana resident who qualifies for a permit under the provisions of present law. Present law further provides that a CHP is issued for a period of five years, with the option of a lifetime permit.

Proposed law provides that a CHP is issued for the lifetime of the permittee, with permits issued for a shorter time period upon request of the applicant.

Proposed law otherwise retains present law.

Present law provides that a CHP must contain a permit number, an expiration date, a photograph of the permittee, and the permittee's name, address, and date of birth.

Proposed law provides that, because proposed law makes all permits lifetime permits by default, an expiration date is required only if the permit is issued for a shorter period of time at the applicant's request. Proposed law further provides that the permit must be provided in both a physical version and in a digitized format available to the permittee through an electronic wallet pursuant to present law relative to digitized credentials.

Proposed law otherwise retains present law.

Present law provides that the CHP must be issued timely and without delay for a five-year term at a cost of \$25 per year. Present law further provides that a permit may be issued for a shorter period of time at the request of the applicant, and that the fees may be reduced proportionately.

Proposed law provides that the fee for the lifetime permit provided for by proposed law is \$250, but a permit issued for a shorter period of time at the request of the applicant will have its fee reduced proportionately.

Proposed law otherwise retains present law.

Present law provides that the permit must be retained by the permittee and immediately produced upon the request of any law enforcement officer.

Proposed law retains present law and adds that these present law requirements are satisfied if the permittee retains and produces either a physical permit or a copy of the permit in digitized format made available to the permittee pursuant to proposed law.

Present law provides that the department is to conduct a background investigation, including a criminal history check, of a CHP applicant to verify the qualifications of the applicant, including a computer check of available on-line state records and, if warranted, fingerprints forwarded to the FBI for a national criminal history record check. Present law further provides that the department is to submit an inquiry on the applicant to the National Instant Criminal Background Check System (NICS) of the FBI.

Proposed law provides that the background investigation of the CHP applicant is to be conducted in the same manner as the background check required by federal law to purchase a firearm from a federally licensed firearms dealer, which includes an inquiry on the applicant through NICS.

Proposed law otherwise retains present law.

Present law provides that an active duty member or reserve member of the armed forces of the U.S. pays ½ (\$12.50) of the annual permit fee (\$25) required by present law for a 5-year permit, or prepays that fee for a total of 10 years (\$250) when applying for a lifetime permit.

Proposed law provides that an active duty member or reserve member of the armed forces of the U.S. pays ½ (\$125) of the lifetime permit fee required by proposed law, or pays ½ of the proportionately reduced fee under proposed law for a term shorter than the lifetime of the permittee.

Present law provides that a veteran of the armed forces of the U.S. is exempt from all fees associated with the five-year permit or lifetime CHP.

Proposed law retains present law but makes changes to align present law with proposed law making all permits lifetime by default.

Proposed law deletes present law specific to the issuance and maintenance of a lifetime CHP since proposed law makes all permits lifetime by default.

Present law provides that any information in any application for a CHP or any information provided in connection with the application must be held confidential and is not subject to any public records request. Present law further provides that the department cannot release any list of persons who applied for or received a CHP. Present law further provides that it is unlawful for any employee of the department or any law enforcement officer to intentionally release or disseminate for publication any information contained in an application for a CHP or any information regarding the identity of any person who applied for or received a CHP. Present law provides limited exceptions to these provisions of present law.

Proposed law retains present law.

Present law provides the qualifications for obtaining a CHP, including:

- (1) Being a resident of the state.
- (2) Being 21 years of age or older.
- (3) Not suffering from a mental or physical infirmity that prevents the safe handling of a handgun.
- (4) Not being ineligible to possess a firearm by virtue of having been convicted of a felony.
- (5) Not chronically and habitually using alcoholic beverages to the extent that the applicant's normal faculties are impaired.
- (6) Not having entered a plea of guilty or nolo contendere to or been found guilty of a crime of violence at the misdemeanor level, unless five years have elapsed since completion of sentence or the conviction was set aside and the prosecution dismissed.
- (7) Not being an unlawful user of marijuana, depressants, stimulants, or narcotic drugs.
- (8) Not having been adjudicated mentally deficient or been committed to a mental institution, unless the resident's right to possess a firearm has been restored pursuant to present law.
- (9) Not being an illegal alien.
- (10) Not having been discharged from the Armed Forces of the U.S. with a discharge characterized as "Under Other than Honorable Conditions," a "Bad Conduct Discharge," or a "Dishonorable Discharge".
- (11) Not having a history of engaging in violent behavior.
- (12) Not being ineligible to possess or receive a firearm under federal law.
- (13) Not having had a permit denied within one year prior to the most recent application.
- (14) Not having had a permit revoked within four years prior to the most recent application.

Proposed law retains present law.

Present law provides that the CHP will be revoked if at any time during the permit period the permittee fails to satisfy any one of the qualification requirements provided for in present law.

Proposed law retains present law.

Present law provides that no person to whom a CHP is issued may carry and conceal a handgun while under the influence of alcohol or a controlled dangerous substance, under penalty of permit suspension.

Proposed law retains present law.

Present law provides that carrying a concealed handgun is prohibited in certain areas, including a law enforcement office or station, a detention facility, a courthouse, a polling place, and the state capitol building.

Proposed law retains present law.

Present law requires each permittee, within 15 days of a misdemeanor or a felony arrest, other than a minor traffic violation, in this state or any other state, to notify the deputy secretary of public safety services by certified mail.

Proposed law retains present law.

Effective August 1, 2022.

(Amends R.S. 40:1379.3(A)(1), (H)(2), (K), and (W)(1) and (2); repeals R.S. 40:1379.3(V))