

RÉSUMÉ DIGEST

SB 118

2021 Regular Session

Morris

Present law provides for the crime of "illegal carrying of weapons" in part as the intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon by a person.

Present law provides for certain exceptions to the crime of illegal carrying of weapons, including for those La. residents issued a concealed handgun permit by the Dept. of Public Safety and Corrections.

Proposed law would create an additional exception for any person who does not possess a concealed handgun permit but otherwise meets the same eligibility requirements as those who do possess a concealed handgun permit.

Present law prohibits a concealed handgun permit holder from carrying and concealing a handgun while under the influence of alcohol or a controlled dangerous substance.

Proposed law would extend the prohibition from carrying and concealing a handgun while under the influence of alcohol or a controlled dangerous substance to nonpermitted but otherwise legal carriers.

Present law requires a concealed handgun permit holder to notify any police officer who approaches the permittee in an official manner or with an identified official purpose that he has a weapon on his person, submit to a pat-down, and allow the officer to temporarily disarm him.

Proposed law would extend the notification requirement to nonpermitted but otherwise legal carriers.

Would have become effective August 1, 2021.

(Proposed to amend R.S. 40:1379.3(B) and (D)(1) and (2); add R.S. 14:95(M) and R.S. 40:1379.3.3)

VETO MESSAGE: "Please be advised that I have vetoed Senate Bill 118 of the 2021 Regular Session.

This bill has been sold as the 'constitutional carry' bill in that its supporters claim it enshrines in statutory law what they believe is already guaranteed by the Louisiana Constitution the right to carry a concealed weapon without a permit or any training. If this were true, this bill would be unnecessary, as any one of the supporters of this legislation could at any time challenge the constitutionality of the current law that provides for the ability to obtain a concealed carry permit. They have chosen not to do so, and instead have brought this bill to change the law.

I cannot support the version of the bill that passed the legislature. First, this bill removes any training requirements and instead puts in place an optional 60-minute online training course. This is wholly inadequate. Several members of law enforcement, including the Superintendent of Louisiana State Police and the Executive Director of the Louisiana Association of Chiefs of Police testified about the necessity of training, including live fire training, to ensure the safety of the public and the gun owner. In the Senate, an amendment was offered which would have required this common sense training to be maintained. However, it was rejected. There is simply no good reason why the State of Louisiana should provide for concealed carry of weapons for people that have no training on how to properly use a gun.

In addition, this bill is in direct conflict with other bills passed by the legislature in this very same session that I have signed into law. Representative Miguez, who claimed to be a strong supporter of Senate Bill 118, authored House Bill 48 on this exact issue. This bill recognizes additional entities that can provide the required training under current law and further adds a provision that provides for 'a demonstration by the applicant of shooting proficiency, and safe handling of a handgun.' This training that Representative Miguez has placed in law would be removed as a requirement under Senate Bill 118. Obviously Representative Miguez believes that training involving proficiency with and safe handling

of a firearm is important and necessary. I agree. The same is true of House Bill 124, which provides for an exception to the crime of illegal carrying of a weapon if the individual has a concealed handgun permit. These two bills, which passed the legislature almost unanimously, are directly contrary to the goals of Senate Bill 118. They also demonstrate that despite the catchy phrase of 'constitutional carry,' the current law is clearly reasonable and constitutional. It does not need to be effectively repealed to ensure compliance with the Louisiana Constitution."