

VETOED
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BY SENATORS MORRIS, CATHEY, CLOUD, FESI, HEWITT, ROBERT MILLS, PEACOCK, WHITE AND WOMACK AND REPRESENTATIVES AMEDEE, BACALA, CARRIER, CORMIER, CREWS, DEVILLIER, EDMONDS, EMERSON, FIRMENT, FONTENOT, FRIEMAN, GADBERRY, GAROFALO, HARRIS, HORTON, IVEY, MIKE JOHNSON, TRAVIS JOHNSON, MCCORMICK, MCFARLAND, MIGUEZ, ORGERON, CHARLES OWEN, ROBERT OWEN, RISER, SCHAMERHORN, SEABAUGH, THOMPSON AND WHEAT

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

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

§95. Illegal carrying of weapons

* * *

M. The provisions of Paragraph (A)(1) of this Section shall not apply to any person if both of the following conditions are met:

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

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

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

1 §1379.3. Statewide permits for concealed handguns; application procedures;
2 definitions

3 * * *

4 B.(1) A concealed handgun permit shall be issued only to a Louisiana
5 resident who qualifies for a permit under the provisions of this Section. A concealed
6 handgun permit issued pursuant to the provisions of this Section shall grant authority
7 to a Louisiana resident to carry a concealed handgun on his person.

8 (2) A Louisiana resident ~~shall be required to possess a valid concealed~~
9 ~~handgun permit issued by the state of Louisiana pursuant to the provisions of this~~
10 ~~Section in order to carry a concealed handgun in the state of Louisiana~~ **who meets**
11 **the qualifications of R.S. 14:95(M) shall not be required to possess a valid**
12 **concealed handgun permit issued by the state of Louisiana pursuant to the**
13 **provisions of this Section in order to carry a concealed handgun in the state of**
14 **Louisiana. The provisions of this Subsection shall not affect the requirements**
15 **of reciprocity as provided in Subsection T of this Section.**

16 * * *

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

26 (2) A permittee armed with a handgun in accordance with this Section **or a**
27 **person carrying a weapon pursuant to R.S. 14:95(M)** shall notify any police
28 officer who approaches the permittee in an official manner or with an identified
29 official purpose that he has a weapon on his person, submit to a pat down, and allow
30 the officer to temporarily disarm him. Whenever a law enforcement officer is made

1 aware that an individual is carrying a concealed handgun and the law enforcement
 2 officer has reasonable grounds to believe that the individual is under the influence
 3 of either alcohol or a controlled dangerous substance, the law enforcement officer
 4 may take temporary possession of the handgun and request submission of the
 5 individual to a department certified chemical test for determination of the chemical
 6 status of the individual. Whenever a law enforcement officer is made aware that an
 7 individual is behaving in a criminally negligent manner as defined under the
 8 provisions of this Section, or is negligent in the carrying of a concealed handgun as
 9 provided for in R.S. 40:1382, the law enforcement officer may seize the handgun,
 10 until adjudication by a judge, if the individual is issued a summons or arrested under
 11 the provisions of R.S. 40:1382. Failure by the permittee to comply with the
 12 provisions of this Paragraph shall result in a six-month automatic suspension of the
 13 permit.

14 * * *

15 **§1379.3.3. Louisiana permitless carry**

16 **A. The Department of Public Safety and Corrections, office of state**
 17 **police, shall provide a sixty-minute online concealed handgun education course**
 18 **at no cost to Louisiana residents.**

19 **B. The concealed handgun education course shall cover the following**
 20 **topics:**

21 **(1) Concealed handgun basics and nomenclature.**

22 **(2) Firearm-free zones.**

23 **(3) Use of deadly force.**

24 **(4) Interactions with law enforcement officers.**

25 **C. The sixty-minute concealed handgun education course provided by**
 26 **this Section does not fulfill the requirements for obtaining a concealed handgun**
 27 **permit under R.S. 40:1379.3.**

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

30 **E. The Department of Public Safety and Corrections, office of state**

1 police, shall promulgate rules and regulations in accordance with the
 2 Administrative Procedure Act to implement the provisions of this Section.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

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."