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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn Romero Watson.

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DIGEST

SB 14 Original

2024 Second Extraordinary Session

Carter

Present law provides that the crime of illegal carrying of weapons includes the intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person.

Proposed law retains present law.

Present law provides an exemption to the crime of illegal carrying of weapons to a resident of Louisiana who is:

- (1) 21 years of age or older.
- (2) Not prohibited from possessing a firearm under state or federal law.
- (3) A reserve or active-duty member of any branch of the U.S. Armed Forces, the La. National Guard or the La. Air National Guard, or a former member of any branch of the U.S. Armed Forces, the La. National Guard, or the La. Air National Guard who has been honorably discharged from service.

Proposed law makes it lawful for any person 18 years of age or older who is not prohibited from possessing a firearm under state or federal law to carry a concealed weapon without a permit. Proposed law also deletes present law relative to concealed carry by an active-duty or former member of the military in favor of the proposed law generally allowing permitless concealed carry for any person.

Present law provides that a concealed handgun permit does not allow a concealed weapon in certain places, including any building or location in which firearms are banned by state or federal law, a law enforcement building, detention facility, courthouse, polling place, municipal building or other public building utilized as the meeting place of the governing authority of a political subdivision, the state capitol, an airport, a place of worship without permission of the administration, a parade or demonstration for which a permit is issued by a governmental entity, and a school or school bus.

Proposed law applies these present law restrictions on concealed carry to the permitless concealed carry provided for by proposed law.

Present law does not limit the right of a property owner or lawful custodian to prohibit or restrict access of those persons possessing a concealed handgun pursuant to a permit issued under present law, and no individual to whom a concealed handgun permit is issued may carry a concealed handgun into the private residence of another without first receiving the consent of that person.

Proposed law retains present law and applies it to the permitless concealed carry provided for by proposed law.

Present law provides that a concealed handgun permit does not entitle a permittee to carry a concealed weapon in any facility, building, location, zone, or area in which firearms are banned by state or federal law.

Proposed law applies present law to persons lawfully carrying a concealed weapon without a permit pursuant to proposed law.

Proposed law provides that the exception to illegal caring of weapons provided in proposed law shall not apply to any person:

- (1) Prohibited from lawfully purchasing a weapon.
- (2) Prohibited from lawfully possessing a weapon.
- (3) Subject to a court order as provided in proposed law.

Proposed law provides a procedure for a district attorney or assistant district attorney to petition a court for an order prohibiting a person from carrying a concealed weapon when the petitioner has probable cause to believe all of the following:

- (1) The person poses a risk of imminent personal injury to himself or to another person.
- (2) The person owns and possesses one or more firearms.
- (3) The firearm or firearms are either within or upon a specified place, thing, or person.

Proposed law requires the district attorney or assistant district attorney to first conduct an independent investigation and has determined that the probable cause exists and that there is no reasonable alternative available to prevent the person from causing imminent personal injury to himself or to others with such firearm.

Proposed law provides a procedure and criteria for the court to use in making its determination on the order. Requires the order to state the grounds or probable cause for its issuance. A copy of the order shall be given to the person named in the order together with a notice informing the person that he has the right to a hearing under this Article and the right to be represented by counsel at such hearing. Authorizes the district attorney to request an extension of the order. Provides that if the court grants the order, it shall report the name and other identifying information of the person to the Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database. Provides that upon expiration or termination of the order, the court shall inform the Louisiana Supreme Court who shall cause the record to be removed from the National Instant Criminal Background Check System. Authorizes person to carry or possess by permit once court terminates its order.

Effective if and when SB 1 of the 2024 2nd Extraordinary Session is enacted and becomes effective.

(Amends R.S. 14:95(M); adds C.Cr.P. Art. 67 and R.S. 14:95(N) and (O))