
SENATE COMMITTEE AMENDMENTS

2024 Regular Session

Substitute for Original Senate Bill No. 419 by Senator Talbot as proposed by Senate Committee on Local and Municipal Affairs.

This document reflects the content of a substitute bill but is not in a bill form; page numbers in this document DO NOT correspond to page numbers in the substitute bill itself.

To amend and reenact R.S. 40:1379.3(I)(1) and (2) and (L) and 1382(A)(1) and (C) and to enact R.S. 40:1379.3(I)(7) and 1382(A)(3) and (D), relative to the illegal carrying of handguns; to provide relative to negligent carrying of a concealed handgun; to increase the penalties for negligent carrying of a concealed handgun in certain areas; to provide for returning a forfeited handgun; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.3(I)(1) and (2) and (L) and 1382(A)(1) and (C) are hereby amended and reenacted and R.S. 40:1379.3(I)(7) and 1382(A)(3) and (D) are hereby enacted to read as follows:

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

* * *

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

(2) A permittee armed with a handgun in accordance with this Section or a person carrying a weapon pursuant to R.S. 14:95(M) shall notify any police officer who approaches the **permittee individual** 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. Whenever a law enforcement officer is made aware that an individual is carrying a concealed handgun and the law enforcement officer has reasonable grounds to believe that the individual is under the influence of either alcohol or a controlled dangerous substance, the law enforcement officer may take temporary possession of the handgun and request submission of the individual to a department-certified chemical test for determination of the chemical status of the individual. Whenever a law enforcement officer is made aware that an individual is behaving in a criminally negligent manner as defined under the provisions of this Section, or is negligent in the carrying of a concealed handgun as provided for in R.S. 40:1382, the law enforcement officer may seize the handgun, until adjudication by a judge, if the individual is issued a summons or arrested under the provisions of R.S. 40:1382. Failure by the permittee to comply with the provisions of this Paragraph shall result in a six-month automatic suspension of the permit.

* * *

(7) A violation of any provision of Paragraph (1) or (2) of this Subsection shall constitute a violation of R.S. 40:1382.

* * *

L. ~~Anyone~~ **Except as provided in Paragraph (I)(7) of this Section, anyone** who carries and conceals a handgun in violation of any provision of this Section, unless authorized to do so by another provision of the law, shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.

* * *

§1382. Negligent carrying of a concealed handgun

A. Negligent carrying of a concealed handgun is the intentional or criminally negligent carrying by any person, whether or not authorized or licensed to carry or possess a concealed handgun, under the following circumstances:

(1) When it is foreseeable that the handgun may discharge, or when a law enforcement officer or others are placed in reasonable apprehension that the handgun may discharge.

* * *

(3) When the person is carrying a concealed handgun in violation of R.S. 40:1379.3(I)(1) or (2).

* * *

C.(1) Whoever commits the offense of negligent carrying of a concealed handgun shall be fined not more than five hundred dollars, or imprisoned ~~without hard labor~~ for not more than six months, or both. ~~The adjudicating judge may also order the forfeiture of the handgun and may suspend or revoke any permit or license authorizing the carrying of the handgun.~~

(2) Whoever commits the offense of negligent carrying of a concealed handgun in the area within the boundaries of the French Quarter Management District as established in R.S. 25:799 shall be fined not less than five hundred dollars nor more than one thousand dollars, or imprisoned for not more than six months, or both.

(3) In addition to the penalties provided in Paragraphs (1) and (2) of this Subsection, the court may order the forfeiture of the handgun and may suspend or revoke any permit or license authorizing the concealed carrying of the handgun.

D. A handgun forfeited under Paragraph (C)(3) of this Section may be returned to the defendant if the defendant satisfies all of the following:

(1) The instant conviction is the defendant's first offense.

(2) The defendant is not otherwise prohibited by state or federal law from possessing a firearm.

(3) The defendant successfully completes the eight-hour NRA Basics Pistol Shooting course taught in person by a NRA certified instructor within one year of conviction.

Section 2. This Act shall become effective on July 4, 2024; if vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval by the legislature or July 4, 2024, whichever is later.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

DIGEST

SB 419 Original

2024 Regular Session

Local and Municipal Affairs

Present law provides that a concealed handgun permittee is deemed under the influence of alcohol or a controlled dangerous substance if he has a blood alcohol reading of .05% or greater by weight of alcohol in the blood, or when a blood or urine test confirms the presence of a controlled dangerous substance.

Proposed law retains present law and applies it to any person carrying a concealed handgun.

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

Proposed law retains present law and applies it to any person carrying a concealed handgun.

Present law provides that a person cannot carry a concealed handgun while under the influence of alcohol or a controlled dangerous substance. Present law further provides that when a law enforcement officer is made aware that a concealed handgun permittee is carrying a concealed handgun and has reasonable grounds to believe that the person is under the influence, the officer may take temporary possession of the handgun. Present law further provides that when a law enforcement officer is made aware that an individual is behaving in a criminally negligent manner or is negligent in the carrying of a concealed handgun, the officer may seize the handgun until adjudication by a judge.

Proposed law retains present law and adds that a violation of present law also constitutes negligent carrying of a concealed handgun and is punishable in the same manner as that offense.

Present law provides that the crime of negligent carrying of a concealed handgun is the intentional or criminally negligent carrying of a concealed handgun by any person when:

- (1) It is foreseeable that the handgun may discharge or when others are placed in reasonable apprehension that the handgun may discharge.
- (2) The handgun is being carried, brandished, or displayed under circumstances that create a reasonable apprehension by witnesses or law enforcement officials that a crime is being committed or is about to be committed.

Proposed law retains present law and provides that present law also applies to a violation of present law relative to prohibitions on carrying while under the influence of alcohol or a controlled dangerous substance.

Present law provides that whoever commits the crime of negligent carrying of a concealed handgun will be fined up to \$500, or imprisoned for up to six months, or both.

Proposed law retains present law and provides that whoever commits the crime of negligent carrying of a concealed handgun in the French Quarter Management District will be fined between \$500 and \$1,000 or imprisoned for up to six months, or both.

Present law provides that the court may order the forfeiture of the person's handgun when convicted of negligent carrying of a concealed handgun.

Proposed law provides that a handgun forfeited under present law may be returned to a first time offender if he successfully completes a designated handgun training course and is not prohibited from possessing a firearm by state or federal law.

Proposed law otherwise retains present law.

Effective July 4, 2024.

(Amends R.S. 40:1379.3(I)(1) and (2) and (L) and 1382(A)(1) and (C); adds R.S. 40:1379.3(I)(7) and 1382(A)(3) and (D))