

2025 Regular Session

SENATE BILL NO. 211

BY SENATOR CARTER

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

WEAPONS. Provides relative to persons authorized to carry a concealed handgun without a permit. (8/1/25)

1 AN ACT  
2 To amend and reenact Code of Criminal Procedure Art. 1002(A)(2)(a) and to enact Code of  
3 Criminal Procedure Art. 67 and R.S. 14:95(O), relative to carrying concealed  
4 weapons; to provide for court orders restricting certain persons from carrying a  
5 concealed handgun under certain circumstances; to prohibit certain persons from  
6 carrying a concealed handgun without a permit; and to provide for related matters.  
7 Be it enacted by the Legislature of Louisiana:  
8 Section 1. Code of Criminal Procedure Art. 1002(A)(2)(a) is hereby amended and  
9 reenacted and Code of Criminal Procedure Art. 67 is hereby enacted to read as follows:  
10 **Art. 67. Petition by district attorney; conceal carry prohibited**  
11 **A. Upon a petition to a district court by any district attorney or assistant**  
12 **district attorney, the court may issue an order prohibiting any person from**  
13 **carrying a concealed handgun when the petitioner has probable cause to believe**  
14 **all of the following:**  
15 **(1) The person poses a risk of imminent injury to himself or to another**  
16 **person.**  
17 **(2) The person owns and possesses one or more firearms.**

1                   **(3) The firearm or firearms are either within or upon a specified place,**  
2                   **thing, or person.**

3                   **B. The district attorney or assistant district attorney who seeks to**  
4                   **petition the court pursuant to the provisions of this Article shall not do so unless**  
5                   **the district attorney or assistant district attorney has conducted an independent**  
6                   **investigation and has determined that the probable cause set forth in Paragraph**  
7                   **A of this Article exists and that there is no reasonable alternative available to**  
8                   **prevent the person from causing imminent injury to himself or to others with**  
9                   **a firearm.**

10                   **C. The court may issue an order pursuant to the provisions of this**  
11                   **Article only upon the sworn affidavit of the petitioner that includes the facts**  
12                   **establishing the grounds for the issuance of the order.**

13                   **D.(1) In determining whether the grounds for the petition exist or**  
14                   **whether there is probable cause to believe that the grounds exist, the court shall**  
15                   **consider the following:**

16                   **(a) Past threats or acts of violence by the person directed toward another**  
17                   **person or persons.**

18                   **(b) Past threats or acts of violence by the person directed toward himself.**

19                   **(c) Past acts of cruelty to animals, as defined by R.S. 14:102 and 102.1,**  
20                   **committed by such person.**

21                   **(2) In evaluating whether any recent threats or acts of violence constitute**  
22                   **probable cause to believe that the person poses a risk of imminent injury to**  
23                   **himself or to another person or persons, the court may consider other factors**  
24                   **including but not limited to the following:**

25                   **(a) The reckless use, display, or brandishing of a firearm by the person.**

26                   **(b) A history of the use, attempted use, or threatened use of physical**  
27                   **force by the person against another person.**

28                   **(c) Prior involuntary admission of the person to a treatment facility, as**  
29                   **defined in R.S. 28:2, for persons with mental illness or substance-related or**

1           addictive disorders.

2                   (d) The illegal use of controlled dangerous substances or abuse of alcohol  
3           by the person.

4                   (3) If the court is satisfied that the grounds for the petition exist or that  
5           there is probable cause to believe that they exist:

6                   (a) The court shall issue a protective order naming and describing the  
7           person and state the grounds for its issuance.

8                   (b) The protective order shall be served on the person named together  
9           with a notice informing the person that he has the right to a hearing under this  
10          Article and the right to be represented by counsel at the hearing.

11                  (c) Upon serving the protective order, the peace officer making service  
12          shall execute a transfer of firearms pursuant to Article 1002.

13                  E.(1) At the hearing, the state shall have the burden of proving all  
14          material facts by clear and convincing evidence.

15                  (2)(a) If, after the hearing, the court finds by clear and convincing  
16          evidence that the person poses a risk of imminent injury to himself or to another  
17          person, the court shall order that the person may not carry or possess a firearm  
18          for a specified period of time. The court shall report the name and other  
19          identifying information of the person to the Louisiana Supreme Court for  
20          reporting to the National Instant Criminal Background Check System database  
21          pursuant to R.S. 13:753. Upon expiration or termination of the order, the court  
22          shall inform the Louisiana Supreme Court, which shall cause the record to be  
23          removed from the National Instant Criminal Background Check System.

24                  (b) At any time prior to the expiration of the period of time the person  
25          is prohibited from carrying or possessing a firearm pursuant to the provisions  
26          of this Subparagraph, but no more than once annually, the person subject to the  
27          order may file a motion to modify the effective period of the prohibition. Upon  
28          proof, by clear and convincing evidence, that the person no longer poses a risk  
29          of imminent injury to himself or to another person, the court may terminate the

1 order upon confirming that the person is not otherwise prohibited from  
2 carrying or possessing firearms by any state or federal law. Thereafter the  
3 person may only carry a concealed handgun by a permit issued pursuant to R.S.  
4 40:1379.1.1, 1379.3, or 1379.3.2.

5 (3) If the court does not find by clear and convincing evidence that the  
6 person poses a risk of imminent injury to himself or to another person or  
7 persons, the court shall deny the state's petition.

8 (4) Upon a finding that the person poses a risk of imminent injury to  
9 himself or to another person or persons, the court may order that the person be  
10 taken into protective custody and transported to a treatment facility, pursuant  
11 to R.S. 28:53.2, for immediate examination.

12 (5) At any time prior to thirty days before the order ends, the district  
13 attorney or assistant district attorney may by motion request to extend the  
14 order issued pursuant to Subparagraph (F)(2) of this Article. Upon receiving a  
15 motion to extend, the court shall schedule a hearing to be held no later than  
16 fourteen days after receiving the motion. A copy of the hearing notice shall be  
17 given to the person named in the order together with a notice informing the  
18 person that he has the right to a hearing under this Article and the right to be  
19 represented by counsel at the hearing. If at the hearing the court finds by clear  
20 and convincing evidence that the person continues to pose a risk of imminent  
21 injury to himself or to another person or persons, the court shall extend the  
22 order for a period not to exceed one year.

23 F.(1) No later than thirty days prior to the expiration of the order  
24 prohibiting the person from carrying or possessing a firearm or the extension  
25 of the order pursuant to the provisions of this Article, the district attorney or  
26 assistant district attorney may petition the court to extend the order prohibiting  
27 the carrying or possession of firearms by the person if the district attorney or  
28 assistant district attorney has probable cause to believe that the person  
29 continues to pose a risk of imminent injury to himself or to another person.



- 1                    **O. The provisions of Subsection M of this Section shall not apply to any**  
2                    **person:**  
3                    **(1) Prohibited from lawfully purchasing a firearm.**  
4                    **(2) Prohibited from lawfully possessing a firearm.**  
5                    **(3) Subject to a court order as provided in Code of Criminal Procedure**  
6                    **Article 67.**

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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DIGEST

SB 211 Original                    2025 Regular 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.

Present law provides an exemption to the crime of illegal carrying of weapons for a person who is 18 years of age or older and not prohibited from possessing a firearm under state or federal law.

Proposed law provides that the exemption to illegal carrying of weapons provided in present law does not apply to any person:

- (1) Prohibited from lawfully purchasing a firearm.
- (2) Prohibited from lawfully possessing a firearm.
- (3) Subject to a court order as provided in proposed law relative to prohibiting a person found to pose a threat to himself or others from carrying a firearm.

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

- (1) The person poses a risk of imminent 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, prior to filing a petition, to conduct an independent investigation to determine whether probable cause exists and if there is any reasonable alternative available to prevent the person from causing imminent injury to himself or to others.

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 for probable cause for its issuance. Provides that a copy of the order will be given to the person named in the order together with a notice informing the person that he has the right to a hearing 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 will report the name and other identifying information of the person to the La. Supreme Court for reporting to the National Instant Criminal Background Check System (NICS) database. Provides that upon expiration or termination of the order, the court will inform the La. Supreme Court, which will cause the record to be removed from NICS. Authorizes a person to carry or possess a concealed handgun by permit once the court terminates its order. Also provides procedures for extensions of the court's order and for termination of the court's order.

Effective August 1, 2025.

(Amends C.Cr.P. Art. 1002(A)(2)(a); adds C.Cr.P. Art. 67 and R.S. 14:95(O))