

2022 Regular Session

HOUSE BILL NO. 463

BY REPRESENTATIVES SEABAUGH, AMEDEE, CREWS, EDMONSTON, FRIEMAN,
HORTON, MCCORMICK, MIGUEZ, AND WRIGHT

WEAPONS: Provides relative to the illegal carrying of weapons

1 AN ACT

2 To amend and reenact R.S. 14:95(A)(4), (G), and (H)(1) and to repeal R.S. 14:95(A)(5),
3 relative to the illegal carrying of weapons; to provide for the removal of knives as
4 illegally carried weapons; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:95(A)(4), (G), and (H)(1) are hereby amended and reenacted to
7 read as follows:

8 §95. Illegal carrying of weapons

9 A. Illegal carrying of weapons is any of the following:

10 * * *

11 ~~(4)(a) The intentional concealment on one's person of any switchblade knife,~~
12 ~~spring knife, or other knife or similar instrument having a blade which may be~~
13 ~~automatically unfolded or extended from a handle by the manipulation of a button,~~
14 ~~switch, latch, or similar contrivance located on the handle.~~

15 (b) The provisions of this Paragraph shall not apply to the following:

16 (i) ~~Any knife that may be opened with one hand by manual pressure applied~~
17 ~~to the blade or any projection of the blade.~~

18 (ii) ~~Any knife that may be opened by means of inertia produced by the hand,~~
19 ~~wrist, or other movement, provided the knife has either a detent or other structure~~

1 ~~that provides resistance that shall be overcome in opening or initiating the opening~~
 2 ~~movement of the blade or a bias or spring load toward the closed position.~~

3 (5)(a) The intentional possession or use by any person of a dangerous
 4 weapon on a school campus during regular school hours or on a school bus.

5 "School" means any elementary, secondary, high school, or vo-tech school in this
 6 state and "campus" means all facilities and property within the boundary of the
 7 school property. "School bus" means any motor bus being used to transport children
 8 to and from school or in connection with school activities.

9 (b) The provisions of this Paragraph shall not apply to:

10 (i) A peace officer as defined by R.S. 14:30(B) in the performance of his
 11 official duties.

12 (ii) A school official or employee acting during the normal course of his
 13 employment or a student acting under the direction of such school official or
 14 employee.

15 (iii) Any person having the written permission of the principal or school
 16 board and engaged in competition or in marksmanship or safety instruction.

17 * * *

18 G.(1) The provisions of this Section ~~except Paragraph (A)(4) of this Section~~
 19 shall not apply to sheriffs and their deputies, state and city police, constables and
 20 town marshals, or persons vested with police power when in the actual discharge of
 21 official duties. These provisions shall not apply to sheriffs and their deputies and
 22 state and city police who are not actually discharging their official duties, provided
 23 that such persons are full time, active, and certified by the Council on Peace Officer
 24 Standards and Training and have on their persons valid identification as duly
 25 commissioned law enforcement officers.

26 (2) The provisions of this Section ~~except Paragraph (A)(4) of this Section~~
 27 shall not apply to any law enforcement officer who is retired from full-time active
 28 law enforcement service with at least twelve years service upon retirement, nor shall
 29 it apply to any enforcement officer of the office of state parks, in the Department of

1 Culture, Recreation and Tourism who is retired from active duty as an enforcement
2 officer, provided that such retired officers have on their persons valid identification
3 as retired law enforcement officers, which identification shall be provided by the
4 entity which employed the officer prior to his or her public retirement. The retired
5 law enforcement officer must be qualified annually in the use of firearms by the
6 Council on Peace Officer Standards and Training and have proof of such
7 qualification. This exception shall not apply to such officers who are medically
8 retired based upon any mental impairment.

9 (3)(a) The provisions of this Section ~~except Paragraph (A)(4) of this Section~~
10 shall not apply to active or retired reserve or auxiliary law enforcement officers
11 qualified annually by the Council on Peace Officer Standards and Training and who
12 have on their person valid identification as active or retired reserve law or auxiliary
13 municipal police officers. The active or retired reserve or auxiliary municipal police
14 officer shall be qualified annually in the use of firearms by the Council on Peace
15 Officer Standards and Training and have proof of such certification.

16 (b) For the purposes of this Paragraph, a reserve or auxiliary municipal police
17 officer shall be defined as a volunteer, non-regular, sworn member of a law
18 enforcement agency who serves with or without compensation and has regular police
19 powers while functioning as such agency's representative, and who participates on
20 a regular basis in agency activities including, but not limited to those pertaining to
21 crime prevention or control, and the preservation of the peace and enforcement of the
22 law.

23 H.(1) Except as provided in Paragraph (A)~~(5)~~ (4) of this Section and in
24 Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit
25 active justices or judges of the supreme court, courts of appeal, district courts, parish
26 courts, juvenile courts, family courts, city courts, federal courts domiciled in the state
27 of Louisiana, and traffic courts, members of either house of the legislature, officers
28 of either house of the legislature, the legislative auditor, designated investigative
29 auditors, constables, coroners, designated coroner investigators, district attorneys and

1 designated assistant district attorneys, United States attorneys and assistant United
2 States attorneys and investigators, the attorney general, designated assistant attorneys
3 general, and justices of the peace from possessing and concealing a handgun on their
4 person when such persons are qualified annually in the use of firearms by the
5 Council on Peace Officer Standards and Training.

6 * * *

7 Section 2. R.S. 14:95(A)(5) is hereby repealed in its entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, 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)]

HB 463 Reengrossed 2022 Regular Session Seabaugh

Abstract: Removes the intentional concealment of any switchblade knife, spring knife, or other knife or similar instrument from the crime of illegal carrying of weapons.

Present law provides for the illegal carrying of weapons.

Proposed law amends present law to remove the intentional concealment of any switchblade knife, spring knife, or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch, or similar contrivance located on the handle.

Present law provides for a definition of "reserve or auxiliary municipal police officer".

Proposed law retains present law.

(Amends R.S. 14:95(A)(4), (G), and (H)(1); Repeals R.S. 14:95(A)(5))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes to include provisions of present law.