



**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**

Fiscal Note On: **HB 38** HLS 23RS 260  
 Bill Text Version: **ORIGINAL**  
 Opp. Chamb. Action:  
 Proposed Amd.:  
 Sub. Bill For.:

<b>Date:</b> April 11, 2023 11:24 AM	<b>Author:</b> STAGNI
<b>Dept./Agy.:</b> DPSC - Public Safety; LCLE	
<b>Subject:</b> Use of Firearms by Qualified Retired Law Enforcement	<b>Analyst:</b> Daniel Druilhet

WEAPONS/FIREARMS OR SEE FISC NOTE GF EX Page 1 of 1  
 Provides relative to the carrying of concealed firearms by qualified retired law enforcement officers

Current law (La. R.S. 40:1379.1.4(B)(5)) permits an individual who is a qualified retired law enforcement officer to carry a concealed firearm anywhere in the state, including anywhere in the public, if certain criteria are met, including qualifying annually for Peace Officers Standards and Training (P.O.S.T.) Council qualification.

Proposed law would remove the requirement that a qualified retired law enforcement officer qualify annually for P.O.S.T. Council qualification to carry a concealed firearm anywhere in the state, including any place open to the public.

<b>EXPENDITURES</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u><b>\$0</b></u>
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>2026-27</b>	<b>2027-28</b>	<b>5 -YEAR TOTAL</b>
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Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u><b>\$0</b></u>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Proposed law may result in an indeterminable increase in SGF expenditures in the Louisiana Department of Justice to the extent that risk management is impacted and litigation arises from the accidental or negligent discharge of a firearm by a qualified retired law enforcement officer which results in a judgment or settlement payable by the state. La. R.S. 1379.1.4 (A) requires that a retired law enforcement officer who is carrying a concealed firearm carry the identification required by his office as a retired officer.

According to the Louisiana Commission on Law Enforcement, the repeal of La. RS. 1379.1.4(B)(5) could result in an increase in the amount of litigation arising from situations in which a retired law enforcement officer harms another through the accidental discharge of his weapon. Any possible litigation could be based on the actions of the agency or office that issued identification to the retired officer (i.e. negligent credentialing, negligent supervision, etc.). The LFO cannot determine the exact impact on SGF expenditures because it is impossible to estimate with accuracy the amount of litigation that may arise or the resulting monetary obligation for settlements or judgments that would be payable by the state.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*  
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**Evan Brasseaux**  
 Interim Deputy Fiscal Officer