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**SENATE FLOOR AMENDMENTS**

2024 Second Extraordinary Session

Amendments proposed by Senator Carter to Engrossed Senate Bill No. 1 by Senator Miguez

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1 AMENDMENT NO. 1

2 On page 1, line 2, at the end of the line after "enact" insert "Code of Criminal Procedure Art.  
3 67 and"

4 AMENDMENT NO. 2

5 On page 1, delete line 3 and insert "R.S. 14:95(N) and (O), relative to carrying concealed  
6 weapons; to provide that law-abiding"

7 AMENDMENT NO. 3

8 On page 1, line 5, after "permit;" insert "to provide relative to court orders prohibiting  
9 possession of firearms by certain persons;"

10 AMENDMENT NO. 4

11 On page 1, line 7, after "R.S. 14:95(N)" delete "is" and insert "and (O) are"

12 AMENDMENT NO. 5

13 On page 1, delete line 15 and insert "14:95.1, R.S. 40.1379.3(C)(5) through (17), 18 U.S.C.  
14 922(g), or any other state or"

15 AMENDMENT NO. 6

16 On page 2, between lines 21 and 22, insert the following:

17 **"O. The provisions of Subsection M of this Section shall not apply to any**  
18 **person:**  
19 **(1) Prohibited from lawfully purchasing a weapon.**  
20 **(2) Prohibited from lawfully possessing a weapon.**  
21 **(3) Subject to a court order as provided in Code of Criminal Procedure**  
22 **Article 67."**

23 AMENDMENT NO. 7

24 On page 3, delete line 19 and insert the following:

25 "Section 3. Code of Criminal Procedure Article 67 is hereby enacted to read as  
26 follows:

27 **Art. 67. Petition by district attorney; conceal carry prohibited**  
28 **A. Upon petition to a district court by any district attorney or assistant**  
29 **district attorney, the court may issue an order prohibiting any person from**  
30 **carrying a concealed weapon when the petitioner has probable cause to believe**  
31 **all of the following:**  
32 **(1) The person poses a risk of imminent personal injury to himself or to**  
33 **another person.**  
34 **(2) The person owns and possesses one or more firearms.**  
35 **(3) The firearm or firearms are either within or upon a specified place,**  
36 **thing, or person.**  
37 **B. No district attorney or assistant district attorney shall petition the**  
38 **court pursuant to the provisions of this Article unless he has conducted an**  
39 **independent investigation and has determined that the probable cause set forth**  
40 **in Paragraph A of this Article exists and that there is no reasonable alternative**

1 available to prevent the person from causing imminent personal injury to  
 2 himself or to others with such firearm.

3 C. The court may issue an order pursuant to the provisions of this  
 4 Article only upon the sworn affidavit of the petitioner before the court that  
 5 includes the facts establishing the grounds for the issuance of the order.

6 D.(1) In determining whether the grounds for the petition exist or  
 7 whether there is probable cause to believe that the grounds exist, the court shall  
 8 consider the following:

9 (a) Past threats or acts of violence by the person directed toward another  
 10 person or persons.

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

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

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

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

19 (b) A history of the use, attempted use, or threatened use of physical  
 20 force by the person against another person or persons.

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

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

26 (3) If the court is satisfied that the grounds for the petition exist or that  
 27 there is probable cause to believe that they exist, the court shall issue an order  
 28 naming and describing the person. The order shall be directed to any peace  
 29 officer and shall state the grounds or probable cause for its issuance. A copy of  
 30 the order shall be given to the person named in the order together with a notice  
 31 informing the person that he has the right to a hearing under this Article and  
 32 the right to be represented by counsel at such hearing.

33 E. The petitioner shall file a copy of the petition for the order and all  
 34 affidavits upon which the petition is based with the clerk of court for the district  
 35 court no later than the next business day following the execution of the petition.  
 36 Prior to the execution and return of the petition, the clerk of the court shall not  
 37 disclose any information pertaining to the petition on any affidavits upon which  
 38 the order is based.

39 F.(1) At the hearing, the state shall have the burden of proving all  
 40 material facts by clear and convincing evidence.

41 (2)(a) If, after the hearing, the court finds by clear and convincing  
 42 evidence that the person poses a risk of imminent personal injury to himself or  
 43 to another person or persons, the court shall order that the person may not  
 44 carry or possess a weapon. The court shall report the name and other  
 45 identifying information of the person to the Louisiana Supreme Court for  
 46 reporting to the National Instant Criminal Background Check System database  
 47 pursuant to R.S. 13:753. Upon expiration or termination of the order, the court  
 48 shall inform the Louisiana Supreme Court who shall cause the record to be  
 49 removed from the National Instant Criminal Background Check System.

50 (b) At any time prior to the expiration of the period of time the person  
 51 is prohibited from carrying or possessing a firearm pursuant to the provisions  
 52 of this Subparagraph, but no more than once annually, the person subject to the  
 53 order may file a motion to modify the effective period of the prohibition. Upon  
 54 proof, by clear and convincing evidence, that the person no longer poses a risk  
 55 of imminent personal injury to himself or to another person or persons the  
 56 court may terminate the order and, upon confirming that the person is not  
 57 otherwise prohibited from carrying or possessing firearms by any state or  
 58 federal law, such person may carry or possess only by permit.

59 (3) If the court does not find, by clear and convincing evidence, that the  
 60 person poses a risk of imminent personal injury to himself or to another person  
 61 or persons, the court shall deny the petition.

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

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

16           **G.(1) No later than thirty days prior to the expiration of the order**  
17 **prohibiting the person from carrying or possessing a firearm or the extension**  
18 **of such order pursuant to the provisions of this Section, the district attorney or**  
19 **assistant district attorney may petition the court to extend the order prohibiting**  
20 **the carrying or possession of firearms by the person if the district attorney or**  
21 **assistant district attorney has probable cause to believe that the person**  
22 **continues to pose a risk of imminent personal injury to himself or to another**  
23 **person.**

24           **(2) Taking into consideration the factors set forth in Paragraph D of this**  
25 **Article, if the court finds that there is probable cause to believe that the grounds**  
26 **for the petition exist, the court shall set a contradictory hearing to be held not**  
27 **later than fourteen days of the filing of the petition.**

28           **(3) If, after the hearing, the court finds by clear and convincing evidence**  
29 **that the person continues to pose a risk of imminent personal injury to himself**  
30 **or to another person or persons, the court shall order that the order prohibiting**  
31 **the person from carrying or possessing a firearm be extended for an additional**  
32 **period of time not to exceed six months. The court shall report the extension of**  
33 **the order to the Louisiana Supreme Court for reporting to the National Instant**  
34 **Criminal Background Check System database pursuant to R.S. 13:753.**

35           Section 4. This Act shall take effect and become operative if and when the Act which  
36 originated as Senate Bill No. 1 of this 2024 Second Extraordinary Regular Session of the  
37 Legislature is enacted and becomes effective."