

2024 Second Extraordinary Session

SENATE BILL NO. 2

BY SENATORS MIGUEZ, ALLAIN, BASS, CATHEY, CLOUD, EDMONDS, FESI, HENRY, HENSGENS, HODGES, KLEINPETER, MCMATH, MORRIS, OWEN, REESE, SEABAUGH, STINE, TALBOT AND WOMACK AND REPRESENTATIVES AMEDEE, BEAULLIEU AND MIKE JOHNSON

LIABILITY. Provides relative to liability for persons authorized to carry a concealed handgun. (7/4/24) (Item #19)

1 AN ACT

2 To enact R.S. 9:2793.12, relative to liability of persons authorized to carry a concealed

3 handgun; to provide with respect to persons authorized to own, possess, use, or carry

4 a concealed handgun; to provide relative to immunity from civil liability; to provide

5 for definitions; to provide for exceptions; to provide for an effective date; and to

6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 9:2793.12 is hereby enacted to read as follows:

9 **§2793.12. Limitation of liability; concealed handgun permit; definitions;**

10 **exceptions**

11 **A. As used in this Section, the term "authorized person" means any**

12 **person with a valid concealed handgun permit issued pursuant to R.S.**

13 **40:1379.1, 1379.1.1, 1379.3, or 1379.3.2 or any qualified law enforcement officer**

14 **authorized to carry a concealed handgun pursuant to R.S. 40:1379.1.3 or**

15 **1379.1.4.**

16 **B. An authorized person as defined in this Section shall not be liable for**

17 **damages for any injury, death, or loss suffered by a perpetrator when the**

1 injury, death, or loss is caused by a justified use of force or self-defense through
 2 the discharge of the handgun by the authorized person. This provision shall
 3 preclude any right of action by the perpetrator, his survivors, or his heirs.

4 C. The provisions of Subsection B of this Section shall not be applicable
 5 to the following:

6 (1) Acts or omissions that constitute gross negligence or intentional
 7 misconduct, or that result in a valid and final felony conviction in this state.

8 (2) Any person without authorization pursuant to Subsection A of this
 9 Section at the time of the events giving rise to a claim.

10 D. Nothing in this Section shall be construed to limit or abrogate other
 11 immunities, limitations on liability, or defenses provided for in any other
 12 provision of law.

13 E. Nothing in this Section shall be construed to limit third party liability
 14 and property damage exposure from a criminal actor's contributory negligence
 15 that causes the lawful actions of the individual claiming limitation of liability.

16 Section 2. This Act shall become effective July 4, 2024.

The original instrument was prepared by Hanna Gettys. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

DIGEST

SB 2 Reengrossed

2024 Second Extraordinary Session

Miguez

Proposed law defines the term "authorized person" as any person with a valid concealed handgun permit issued pursuant to certain provisions of present law, including provisions relative to a special officer's commission, a concealed handgun permit issued by a sheriff, a statewide concealed handgun permit, and a temporary concealed handgun permit, or any qualified law enforcement officer authorized to carry a concealed handgun, including a qualified law enforcement officer, as provided by present law.

Proposed law provides that an authorized person shall not be liable for damages for any injury, death, or loss suffered by a perpetrator when the injury, death, or loss is caused by a justified use of force or self-defense through the discharge of the handgun of the authorized person. Precludes any right of action by the perpetrator, his survivors, or his heirs.

Proposed law provides for exceptions to proposed law in the following circumstances:

- (1) Acts or omissions that constitute gross negligence or intentional misconduct or that result in a valid and final felony conviction in this state.
- (2) Any person without authorization pursuant to proposed law at the time of the events

giving rise to a claim.

Proposed law prohibits anything in proposed law from being construed to limit or abrogate other immunities, limitations on liability, or defenses provided for in any other provision of law.

Proposed law provides that nothing in proposed law be construed to limit third party liability and property damage exposure from a criminal actor's contributory negligence that causes the lawful actions of the individual claiming limitation of liability.

Effective July 4, 2024.

(Adds R.S. 9:2793.12)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Makes technical changes.
2. Limits who qualifies as an "authorized person" as defined in proposed law.
3. Limits applicability of exception to limitation of liability for authorized person to only acts or omissions that constitute gross negligence or intentional misconduct or that result in a valid and final felony conviction in this state.
4. Adds provision providing that nothing in proposed law be construed to limit third party liability and property damage exposure.

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Provides that the term "authorized person" includes a person authorized to carry a concealed handgun permit and a qualified law enforcement officer authorized to carry a concealed handgun as provided in present law.
2. Limits liability of an authorized person for any injury, death, or loss suffered by a perpetrator when such injury, death, or loss is caused by a justified use of force or self-defense through the discharge of the authorized person's handgun.
3. Precludes any right of action by perpetrator, his survivors, or his heirs.
4. Changes effective date from effective upon governor's signature to July 4, 2024.