The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Dawn R. Watson.

DIGEST

SB 256 Original

2024 Regular Session

Carter

<u>Present law</u> 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.

<u>Present law</u> (effective July 4, 2024) provides an exemption to the crime of illegal carrying of weapons for a person who is 18 years of age or older and is not prohibited from possessing a firearm under state or federal law.

<u>Proposed law</u> provides that the exemption to illegal carrying of weapons provided in <u>present law</u> shall not apply to any person:

- (1) Prohibited from lawfully purchasing a weapon.
- (2) Prohibited from lawfully possessing a weapon.
- (3) Subject to a court order as provided in proposed law.

<u>Proposed law</u> provides a procedure for a district attorney or assistant district attorney to petition a court for an order prohibiting a person from carrying a concealed weapon when the petitioner has probable cause to believe all of the following:

- (1) The person poses a risk of imminent personal 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.

<u>Proposed law</u> 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 personal injury to himself or to others with such firearm.

<u>Proposed law</u> 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 shall 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 shall report the name and other identifying information of the person to the

Louisiana Supreme Court for reporting to the National Instant Criminal Background Check System database. Provides that upon expiration or termination of the order, the court shall inform the Louisiana Supreme Court who shall cause the record to be removed from the National Instant Criminal Background Check System. Authorizes a person to carry or possess 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 July 4, 2024.

(Adds C.Cr.P. Art. 67 and R.S. 14:95(O))