

SENATE BILL NO. 152

BY SENATOR MIGUEZ

1 AN ACT

2 To amend and reenact R.S. 9:2793.12(B) as enacted by Section 1 of Act 2 of the 2024
3 Second Extraordinary Session, the introductory paragraph of R.S. 14:95(M), R.S.
4 14:95(N) as enacted by Section 1 of Act 1 of the 2024 Second Extraordinary Session,
5 and R.S. 40:1379.3(I)(1) and (2) and the introductory paragraph of 1379.3(I)(3),
6 relative to the illegal carrying of weapons; to provide relative to exceptions; to make
7 technical changes; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 9:2793.12(B), as enacted by Section 1 of Act 2 of the 2024 Second
10 Extraordinary Session, is hereby amended and reenacted to read as follows:

11 §2793.12. Limitation of liability; concealed handgun permit; definitions; exceptions

12 * * *

13 B. An authorized person as defined in this Section shall not be liable for
14 damages for any injury, death, or loss suffered by a perpetrator when the injury,
15 death, or loss is caused by a justified use of force or self-defense through the
16 discharge of ~~the handgun~~ **a firearm** by the authorized person. This provision shall
17 preclude any right of action by the perpetrator, his survivors, or his heirs.

18 * * *

19 Section 2. The introductory paragraph of R.S. 14:95(M) is hereby amended and
20 reenacted to read as follows:

21 §95. Illegal carrying of weapons

22 * * *

23 M. The provisions of ~~Paragraph~~ **Subparagraph** (A)(1)(a) of this Section
24 shall not apply to a resident of Louisiana if all of the following conditions are met:

25 * * *

26 Section 3. R.S. 14:95(N), as enacted by Section 1 of Act 1 of the 2024 Second
27 Extraordinary Session, is hereby amended and reenacted to read as follows:

1 §95. Illegal carrying of weapons

2 * * *

3 N. Any person lawfully carrying a handgun pursuant to Subsection M of this
4 Section shall be subject to the restrictions contained in R.S. 40:1379.3(I), (L), (M),
5 (N), and (O).

6 Section 4. R.S. 40:1379.3(I)(1) and (2) and the introductory paragraph of
7 1379.3(I)(3) are hereby amended and reenacted to read as follows:

8 §1379.3. Statewide permits for concealed handguns; application procedures;
9 definitions

10 * * *

11 I.(1) No individual to whom a concealed handgun permit is issued or a person
12 carrying a ~~weapon~~ **handgun** pursuant to R.S. 14:95(M) may carry and conceal such
13 handgun while under the influence of alcohol or a controlled dangerous substance.
14 While a permittee is under the influence of alcohol or a controlled dangerous
15 substance, an otherwise lawful permit is considered automatically suspended and is
16 not valid. A permittee **or person carrying a handgun** shall be considered under the
17 influence as evidenced by a blood alcohol reading of .05 percent or greater by weight
18 of alcohol in the blood, or when a blood test or urine test shows any confirmed
19 presence of a controlled dangerous substance as defined in R.S. 40:961 and 964.

20 (2) A permittee armed with a handgun in accordance with this Section or a
21 person carrying a ~~weapon~~ **handgun** pursuant to R.S. 14:95(M) shall notify any
22 police officer who approaches the permittee **or person carrying a handgun**
23 **pursuant to R.S. 14:95(M)** in an official manner or with an identified official
24 purpose that he has a weapon on his person, submit to a pat down, and allow the
25 officer to temporarily disarm him. Whenever a law enforcement officer is made
26 aware that an individual is carrying a concealed handgun and the law enforcement
27 officer has reasonable grounds to believe that the individual is under the influence
28 of either alcohol or a controlled dangerous substance, the law enforcement officer
29 may take temporary possession of the handgun and request submission of the
30 individual to a department-certified chemical test for determination of the chemical

1 status of the individual. Whenever a law enforcement officer is made aware that an
 2 individual is behaving in a criminally negligent manner as defined under the
 3 provisions of this Section, or is negligent in the carrying of a concealed handgun as
 4 provided for in R.S. 40:1382, the law enforcement officer may seize the handgun,
 5 until adjudication by a judge, if the individual is issued a summons or arrested under
 6 the provisions of R.S. 40:1382. Failure by the permittee to comply with the
 7 provisions of this Paragraph shall result in a six-month automatic suspension of the
 8 permit. **A person carrying a concealed handgun pursuant to R.S. 14:95(M) who**
 9 **fails to comply with the provisions of this Paragraph shall be subject to the**
 10 **penalties set forth in Subsection L of this Section.**

11 (3) The permit to carry a concealed ~~weapon~~ **handgun** shall be revoked by the
 12 deputy secretary when the permittee is carrying and concealing a handgun under any
 13 of the following circumstances:

14 * * *

15 Section 5. This Act shall become effective on July 4, 2024; if vetoed by the governor
 16 and subsequently approved by the legislature, this Act shall become effective on the day
 17 following such approval by the legislature or July 4, 2024, whichever is later.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____