SLS 24RS-2302 **REENGROSSED** 

2024 Regular Session

SENATE BILL NO. 507 (Substitute of Senate Bill No. 419 by Senator Talbot)

BY SENATOR TALBOT

1

CRIME/PUNISHMENT. Provides relative to the illegal or negligent carrying of a concealed handgun. (7/4/24)

AN ACT

2	To amend and reenact R.S. 14:95(N) as enacted by Section 1 of Act 1 of the 2024 Second
3	Extraordinary Session and R.S. 40:1379.3(I)(1) and (2) and (L) and 1382(A)(1) and
4	(C) and to enact R.S. 40:1382(D), relative to the illegal carrying of handguns; to
5	provide relative to negligent carrying of a concealed handgun; to increase the
6	penalties for negligent carrying of a concealed handgun in certain areas; to provide
7	for returning a forfeited handgun; and to provide for related matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 1. R.S. 14:95(N) as enacted by Section 1 of Act 1 of the 2024 Second
10	Extraordinary Session is hereby amended and reenacted to read as follows:
11	§95. Illegal carrying of weapons
12	* * *
13	N. Any person lawfully carrying a handgun pursuant to Subsection M of this
14	Section shall be subject to the restrictions contained in R.S. 40:1379.3(I), (L), (M),
15	(N), and (O).
16	Section 2. R.S. 40:1379.3(I)(1) and (2) and (L) and 1382(A)(1) and (C) are hereby
17	amended and reenacted and R.S. 40:1382(D) is hereby enacted to read as follows:

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

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

(2) A permittee armed with a handgun in accordance with this Section or a person carrying a weapon pursuant to R.S. 14:95(M) shall notify any police officer who approaches the permittee individual in an official manner or with an identified official purpose that he has a weapon on his person, submit to a pat down, and allow the officer to temporarily disarm him. Whenever a law enforcement officer is made aware that an individual is carrying a concealed handgun and the law enforcement officer has reasonable grounds to believe that the individual is under the influence of either alcohol or a controlled dangerous substance, the law enforcement officer may take temporary possession of the handgun and request submission of the individual to a department-certified chemical test for determination of the chemical status of the individual. Whenever a law enforcement officer is made aware that an individual is behaving in a criminally negligent manner as defined under the provisions of this Section, or is negligent in the carrying of a concealed handgun as provided for in R.S. 40:1382, the law enforcement officer may seize the handgun, until adjudication by a judge, if the individual is issued a summons or arrested under the provisions of R.S. 40:1382. Failure by the permittee to comply with the

1	provisions of this Paragraph shall result in a six-month automatic suspension of the
2	permit. A person carrying a concealed handgun pursuant to R.S. 14:95(M) who
3	fails to comply with the provisions of this Paragraph shall be subject to the
4	penalties provided in Subsection L of this Section.
5	* * *
6	L.(1) Anyone who carries and conceals a handgun in violation of any
7	provision of this Section, unless authorized to do so by another provision of the law,
8	shall be fined not more than five hundred dollars, or imprisoned for not more than
9	six months, or both.
10	(2) Anyone who carries a concealed handgun in violation of any
11	provision of this Section in the area within the boundaries of the French
12	Quarter Management District as established in R.S. 25:799 shall be fined not
13	less than five hundred dollars nor more than one thousand dollars, or be
14	imprisoned for not more than six months, or both.
15	* * *
16	§1382. Negligent carrying of a concealed handgun
17	A. Negligent carrying of a concealed handgun is the intentional or criminally
18	negligent carrying by any person, whether or not authorized or licensed to carry or
19	possess a concealed handgun, under the following circumstances:
20	(1) When it is foreseeable that the handgun may discharge, or when <u>a law</u>
21	enforcement officer or others are placed in reasonable apprehension that the
22	handgun may discharge.
23	* * *
24	C.(1) Whoever commits the offense of negligent carrying of a concealed
25	handgun shall be fined not more than five hundred dollars, or imprisoned without
26	hard labor for not more than six months, or both. The adjudicating judge may also
27	order the forfeiture of the handgun and may suspend or revoke any permit or license
28	authorizing the carrying of the handgun.
29	(2) Whoever commits the offense of negligent carrying of a concealed

1	handgun in the area within the boundaries of the French Quarter Management
2	District as established in R.S. 25:799 shall be fined not less than five hundred
3	dollars nor more than one thousand dollars, or imprisoned for not more than
4	six months, or both.
5	(3) In addition to the penalties provided in Paragraphs (1) and (2) of this
6	Subsection, the court may order the forfeiture of the handgun and may suspend
7	or revoke any permit or license authorizing the concealed carrying of the
8	handgun.
9	D. A handgun forfeited under Paragraph (C)(3) of this Section shall be
10	returned to the defendant if the defendant satisfies all of the following:
11	(1) The instant conviction is the defendant's first offense.
12	(2) The defendant is not otherwise prohibited by state or federal law
13	from possessing a firearm.
14	(3) The defendant successfully completes the eight-hour NRA Basics
15	Pistol Shooting course taught in person by a NRA certified instructor within one
16	year of conviction.
17	Section 3. This Act shall become effective on July 4, 2024; if vetoed by the governor
18	and subsequently approved by the legislature, this Act shall become effective on the day
19	following such approval by the legislature or July 4, 2024, whichever is later.
	The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jonathon Wagner.

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Talbot

<u>Present law</u> provides that a concealed handgun permittee is deemed under the influence of alcohol or a controlled dangerous substance if he has a blood alcohol reading of .05% or greater by weight of alcohol in the blood, or when a blood or urine test confirms the presence of a controlled dangerous substance.

<u>Proposed law</u> retains <u>present law</u> and applies it to any person carrying a concealed handgun.

<u>Present law</u> provides that a permittee who carries a concealed handgun must notify a police officer who approaches him in an official manner or with an identified official purpose that he has a handgun on his person, submit to a pat down, and allow the officer to temporarily disarm him.

 $\underline{Proposed\ law}\ retains\ \underline{present\ law}\ and\ applies\ it\ to\ any\ person\ carrying\ a\ concealed\ handgun.$ 

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Coding: Words which are struck through are deletions from existing law; words in boldface type and underscored are additions.

<u>Proposed law</u> also provides that certain persons carrying a concealed handgun pursuant to present law are subject to present law penalties.

<u>Present law</u> provides that a person who violates <u>present law</u> shall be fined not more than \$500, or imprisoned for not more than six months, or both. <u>Proposed law</u> retains <u>present law</u> and provides that a person who violates <u>present law</u> in the French Quarter Management District will be fined between \$500 and \$1,000 or imprisoned for up to six months, or both.

<u>Present law</u> provides that the crime of negligent carrying of a concealed handgun is the intentional or criminally negligent carrying of a concealed handgun by any person when it is foreseeable that the handgun may discharge or when others are placed in reasonable apprehension that the handgun may discharge. <u>Proposed law</u> retains <u>present law</u> and provides that law enforcement officers are included as individuals who may be placed in reasonable apprehension that a negligently carried handgun may discharge.

<u>Present law</u> provides that whoever commits the crime of negligent carrying of a concealed handgun will be fined up to \$500, or imprisoned for up to six months, or both.

<u>Proposed law</u> retains <u>present law</u> and provides that whoever commits the crime of negligent carrying of a concealed handgun in the French Quarter Management District will be fined between \$500 and \$1,000 or imprisoned for up to six months, or both.

<u>Present law</u> provides that the court may order the forfeiture of the person's handgun when convicted of negligent carrying of a concealed handgun.

<u>Proposed law</u> provides that a handgun forfeited under <u>present law</u> shall be returned to a first time offender if he successfully completes a designated handgun training course within one year of conviction and is not prohibited from possessing a firearm by state or federal law.

Proposed law otherwise retains present law.

Effective July 4, 2024.

(Amends R.S. 14:95(N) as enacted by Sec. 1 of Act 1 of the 2024 2nd Ex. Sess., 40:1379.3(I)(1) and (2) and (L), 1382(A)(1) and (C); adds R.S. 40:1382(D))

## Summary of Amendments Adopted by Senate

## Senate Floor Amendments to engrossed bill

- 1. Make technical changes.
- 2. Apply <u>present law</u> to non-permittees that carry a concealed handgun.
- 3. Increase fines for violations of <u>present law</u> that occur in the French Quarter Management District.
- 4. Provide for conditions that must be met by a defendant for the return of a forfeited handgun.