

2016 Regular Session

SENATE BILL NO. 97

BY SENATOR GARY SMITH

WEAPONS. Provides for the carrying of certain knives by concealed handgun permit holders. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:95(A)(1), (2), (3), and (4)(a), and to enact R.S.
3 14:95(A)(4)(b)(iii), relative to illegal carrying of weapons; to provide an exception
4 for automatic knives to holders of concealed handgun permits; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95(A)(1), (2), (3), and (4)(a) are hereby amended and reenacted
8 and R.S. 14:95(A)(4)(b)(iii) is hereby enacted to read as follows:

9 §95. Illegal carrying of weapons; exceptions

10 A. Illegal carrying of weapons is:

11 (1) The intentional concealment of any firearm, or other instrumentality
12 customarily used or intended for probable use as a dangerous weapon, on one's
13 person; ~~or~~. **This Paragraph shall not apply to any person who holds a concealed**
14 **handgun permit issued pursuant to R.S. 40:1379.3 with regard to either a**
15 **handgun, as defined by R.S. 40:1379.3(J)(3), or a knife that otherwise would be**
16 **prohibited by Paragraph (4) of this Subsection.**

17 (2) The ownership, possession, custody or use of any firearm, or other

1 instrumentality customarily used as a dangerous weapon, at any time by an enemy
2 alien,~~or~~

3 (3) The ownership, possession, custody or use of any tools, or dynamite, or
4 nitroglycerine, or explosives, or other instrumentality customarily used by thieves
5 or burglars at any time by any person with the intent to commit a crime,~~or~~

6 (4)(a) The manufacture, ownership, possession, custody, or use of any
7 switchblade knife, spring knife or other knife or similar instrument having a blade
8 ~~which~~ **that** may be automatically unfolded or extended from a handle by the
9 manipulation of a button, switch, latch or similar contrivance located on the handle.

10 (b) The provisions of this Paragraph shall not apply to the following:

11 * * *

12 **(iii) Any person who holds a concealed handgun permit issued pursuant**
13 **to R.S. 40:1379.3 with regard to the ownership, possession, custody, or use of**
14 **any knife defined by Subparagraph (a) of this Paragraph.**

15 * * *

16 Section 2. This Act shall become effective upon signature by the governor or, if not
17 signed by the governor, upon expiration of the time for bills to become law without signature
18 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
19 vetoed by the governor and subsequently approved by the legislature, this Act shall become
20 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement Jr.

SB 97 Original DIGEST 2016 Regular Session Gary Smith

Present law defines the illegal carrying of weapons as:

- (1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person.
- (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien.
- (3) The ownership, possession, custody or use of any tools, or dynamite, or nitroglycerine, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime.

- (4) The manufacture, ownership, possession, custody or use of any switchblade knife, spring knife or other knife or similar instrument having a blade that may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch or similar contrivance located on the handle. However, this prohibition does not apply to any knife that may be opened with one hand by manual pressure applied to the blade or any projection of the blade or that may be opened by means of inertia produced by the hand, wrist, or other movement, provided the knife has either a detent or other structure that provides resistance that must be overcome in opening or initiating the opening movement of the blade or a bias or spring load toward the closed position.
- (5) The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus, subject to certain exceptions provided by present law.

Proposed law provides an exception to present law relative to intentional concealment for any person who holds a concealed handgun permit issued pursuant to present law with regard to either a handgun or a knife that otherwise would be prohibited by present law as an automatic knife or "switchblade". Proposed law further provides an exception to the present law prohibition on the ownership, possession, custody, or use of any knife defined by present law as an automatic knife or "switchblade" for any person who holds a concealed handgun permit issued pursuant to present law.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:95(A)(1), (2), (3), and (4)(a); adds R.S. 14:95(A)(4)(b)(iii))