

2016 Regular Session

HOUSE BILL NO. 255

BY REPRESENTATIVE HORTON

WEAPONS/HANDGUNS: Provides with respect to eligibility requirements for concealed carry permits

1 AN ACT

2 To amend and reenact R.S. 40:1379.3(C)(6) and (10), relative to concealed handgun permits;
3 to provide with respect to eligibility to obtain a concealed handgun permit; to
4 provide with respect to persons convicted of certain offenses; to provide for
5 applicability; to provide limitations; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 40:1379.3(C)(6) and (10) are hereby amended and reenacted to read
8 as follows:

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

11 * * *

12 C. To qualify for a concealed handgun permit, a Louisiana resident shall:

13 * * *

14 (6) ~~Not be ineligible to possess a firearm by virtue of having been convicted~~
15 ~~of a felony~~ Not have been convicted of, have entered a plea of guilty or nolo
16 contendere to, the crime of domestic abuse battery (R.S. 14:35.3), possession of a
17 firearm or carrying a concealed weapon by a person convicted of domestic abuse
18 battery (R.S. 14:95.10), or of a felony enumerated in R.S. 14:95.1 which renders that
19 person ineligible to possess a firearm. Any conviction for which a person has been
20 pardoned by the governor shall not be considered a conviction for purposes of this

1 Paragraph, unless that pardon expressly provides that the person may not ship,
2 transport, possess, or receive firearms.

3 * * *

4 (10) Not have been convicted of, have entered a plea of guilty or nolo
5 contendere to, or not be charged under indictment or a bill of information for any
6 crime of violence ~~or any crime punishable by imprisonment for a term of one year~~
7 ~~or greater. A conviction, plea of guilty, or plea of nolo contendere under this~~
8 ~~Paragraph shall include an expungement of such conviction or a dismissal and~~
9 ~~conviction set aside under the provisions of Code of Criminal Procedure Article 893.~~
10 as defined in R.S. 14:2(B), or any crime which is defined as a sex offense in R.S.
11 15:541, or any crime defined as an attempt to commit a crime of violence or a sex
12 offense under the laws of this state, or who has been convicted under the laws of any
13 other state or of the United States or of any foreign government or country of a crime
14 which, if committed in this state, would be a crime of violence or a sex offense.

15 However, a person who has been convicted of a violation of 18 U.S.C. 491(a) shall
16 be permitted to qualify for a concealed handgun permit if fifteen or more years has
17 elapsed between the date of application and the successful completion or service of
18 any sentence, deferred adjudication, or period of probation or parole. Any
19 conviction for which a person has been pardoned by the governor shall not be
20 considered a conviction for purposes of this Paragraph, unless that pardon expressly
21 provides that the person may not ship, transport, possess, or receive firearms.

22 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 255 Original

2016 Regular Session

Horton

Abstract: Changes disqualifications for obtaining concealed handgun permits to persons convicted of certain felonies rather than all felony offenses.

Present law provides for the issuance of concealed handgun permits and provides for eligibility requirements.

Proposed law retains present law.

Present law provides that a person is ineligible for a concealed handgun permit if he is prohibited from possessing a firearm because he has been convicted of a felony offense even if the conviction has been expunged.

Proposed law changes present law to define the ineligibility for possession to convictions for domestic abuse battery, possession of a firearm by a person convicted of domestic abuse battery, and to those offenses under present law which prohibit the possession of a firearm.

Present law prohibits a person convicted of any felony from obtaining a concealed handgun permit.

Proposed law changes the prohibition to apply to convictions for crimes of violence and sex offenses, and attempts of those offenses.

Proposed law changes present law to provide that a person who has been pardoned by the governor shall not be considered ineligible to obtain a concealed handgun permit unless the pardon expressly prohibits the person from shipping, transporting, possessing, or receiving firearms.

(Amends R.S. 40:1379.3(C)(6) and (10))