

2016 Regular Session

HOUSE BILL NO. 142

BY REPRESENTATIVES MIGUEZ, ADAMS, AMEDEE, ARMES, BACALA, BAGLEY, BARRAS, BERTHELOT, BISHOP, CHAD BROWN, STEVE CARTER, CONNICK, COUSSAN, CROMER, DAVIS, DEVILLIER, EDMONDS, FALCONER, GAROFALO, GISCLAIR, GUINN, HAVARD, HILL, HORTON, HOWARD, HUNTER, IVEY, MIKE JOHNSON, LOPINTO, MAGEE, MCFARLAND, PYLANT, REYNOLDS, RICHARD, SCHEXNAYDER, SCHRODER, SEABAUGH, SHADOIN, STOKES, WHITE, WILLMOTT, AND ZERINGUE

WEAPONS/FIREARMS: Provides with respect to eligibility requirement 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 that persons convicted of certain offenses are not ineligible to obtain a
5 concealed handgun permit; to provide for applicability; to provide limitations; and
6 to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

12 * * *

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

14 * * *

1 (6) Not be ineligible to possess a firearm by virtue of having been convicted
2 of a felony. A conviction for a felony offense which has been expunged prior to
3 August 1, 2014, pursuant to the provisions of R.S. 44:9 or on or after August 1, 2014,
4 pursuant to Title XXXIV of the Code of Criminal Procedure shall not be considered
5 a conviction for the purposes of this Paragraph if ten years have elapsed since the
6 completion of the resident's probation, parole, or suspended sentence. A conviction
7 for which a person has been pardoned by the governor shall not be considered a
8 conviction for purposes of this Paragraph, unless that pardon expressly provides that
9 the person may not ship, transport, possess, or receive firearms.

* * *

11 (10) Not have been convicted of, have entered a plea of guilty or nolo
12 contendere to, or not be charged under indictment or a bill of information for any
13 crime of violence or any crime punishable by imprisonment for a term of one year
14 or greater. ~~A conviction, plea of guilty, or plea of nolo contendere under this~~
15 ~~Paragraph shall include an expungement of such conviction or a dismissal and~~
16 ~~conviction set aside under the provisions of Code of Criminal Procedure Article 893.~~
17 However, a person who has been convicted of a violation of 18 U.S.C. 491(a) shall
18 be permitted to qualify for a concealed handgun permit if fifteen or more years has
19 elapsed between the date of application and the successful completion or service of
20 any sentence, deferred adjudication, or period of probation or parole. A conviction
21 for a felony offense which has been expunged prior to August 1, 2014, pursuant to
22 the provisions of R.S. 44:9 or on or after August 1, 2014, pursuant to Title XXXIV
23 of the Code of Criminal Procedure shall not be considered a conviction for the
24 purposes of this Paragraph if ten years have elapsed since the completion of the
25 resident's probation, parole, or suspended sentence. A conviction for which a person
26 has been pardoned by the governor shall not be considered a conviction for purposes
27 of this Paragraph, unless that pardon expressly provides that the person may not ship,
28 transport, possess, or receive firearms.

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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 142 Reengrossed

2016 Regular Session

Miguez

Abstract: Provides that a person who obtained a gubernatorial pardon or has had his record expunged shall not be considered ineligible from obtaining a concealed handgun permit.

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 has been convicted of a felony offense even if the conviction has been expunged.

Proposed law changes present law to provide that a person who has obtained an expungement for a felony conviction if 10 years have elapsed since the completion of the resident's probation, parole, or suspended sentence, or 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Adds requirement that at least ten years have elapsed since the completion of the applicant's probation, parole, or suspension of sentence.

The House Floor Amendments to the engrossed bill:

1. Clarifies that expungements obtained prior to August 1, 2014, were obtained pursuant to R.S. 44:9 (which had since been repealed) and that expungements obtained on or after August 1, 2014, were obtained pursuant to Title XXXIV of the Code of Criminal Procedure.