

2024 Second Extraordinary Session

SENATE BILL NO. 1

BY SENATORS MIGUEZ, BASS, HODGES, KLEINPETER, MORRIS AND SEABAUGH AND REPRESENTATIVES HORTON AND MIKE JOHNSON

WEAPONS. Provides relative to the right of law-abiding citizens to carry concealed handguns lawfully without a permit. (4/19/24) (Item #8)

1 AN ACT

2 To amend and reenact R.S. 14:95(M) and R.S. 40:1379.3(B)(2)(a), (M), and (O) and to enact

3 R.S. 14:95(N), relative to illegal carrying of weapons; to provide that law-abiding

4 persons eighteen years of age and not otherwise prohibited may carry a concealed

5 weapon lawfully without a permit; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95(M) is hereby amended and reenacted and R.S. 14:95(N) is

8 hereby enacted to read as follows:

9 §95. Illegal carrying of weapons

10 * * *

11 M. The provisions of Paragraph (A)(1) of this Section shall not apply to a

12 ~~resident of Louisiana~~ **any person who is** if all of the following conditions are met:

- 13 (1) ~~The person is twenty-one~~ **eighteen** years of age or older: **and**
- 14 (2) ~~The person~~ is not prohibited from possessing a firearm under R.S.
- 15 14:95.1, ~~R.S. 40:1379.3(C)(5) through (17)~~, 18 U.S.C. 922(g), or any other state or
- 16 federal law.

17 (3)(a) ~~The person is a reserve or active-duty member of any branch of the~~

1 ~~United States Armed Forces; a member of the Louisiana National Guard or the~~
 2 ~~Louisiana Air National Guard; or a former member of any branch of the United~~
 3 ~~States Armed Forces, the Louisiana National Guard, or the Louisiana Air National~~
 4 ~~Guard who has been honorably discharged from service.~~

5 ~~(b) At all times that a person is in possession of a concealed handgun~~
 6 ~~pursuant to R.S. 40:1379.3(B)(2), that person shall have on his person proof that he~~
 7 ~~meets the qualifications of Subparagraph (a) of this Paragraph demonstrated by one~~
 8 ~~of the following:~~

9 ~~(i) A valid military identification card.~~

10 ~~(ii) A valid driver's license issued by the state of Louisiana displaying the~~
 11 ~~word "Veteran" pursuant to R.S. 32:412(K).~~

12 ~~(iii) A valid special identification card issued by the state of Louisiana~~
 13 ~~displaying the word "Veteran" pursuant to R.S. 40:1321(K).~~

14 ~~(iv) For a member released from service who does not qualify to have the~~
 15 ~~word "Veteran" displayed on a state issued driver's license or special identification~~
 16 ~~card, a Department of Defense Form 214 (DD-214) indicating the character of~~
 17 ~~service as "Honorable" or "Under Honorable Conditions (General)" and a valid~~
 18 ~~driver's license or special identification card issued by the state of Louisiana.~~

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

22 Section 2. R.S. 40:1379.3(B)(2)(a), (M), and (O) are hereby amended and reenacted
 23 to read as follows:

24 §1379.3. Statewide permits for concealed handguns; application procedures;
 25 definitions

26 * * *

27 B. * * *

28 (2)(a) A ~~Louisiana resident~~ **person** who meets the qualifications of R.S.
 29 14:95(M) shall not be required to possess a valid concealed handgun permit issued

1 by the state of Louisiana pursuant to the provisions of this Section in order to carry
 2 a concealed handgun in the state of Louisiana. ~~The provisions of this Paragraph shall~~
 3 ~~not affect the requirements of reciprocity as provided in Subsection T of this Section.~~

4 * * *

5 M. No **concealed handgun may be carried into and no** concealed handgun
 6 permit shall be valid or entitle any permittee to carry a concealed ~~weapon~~ **handgun**
 7 in any facility, building, location, zone, or area in which firearms are banned by state
 8 or federal law.

9 * * *

10 O. **(1)** The provisions of Subsection N of this Section shall not limit the right
 11 of a property owner, lessee, or other lawful custodian to prohibit or restrict access
 12 of those persons possessing a concealed handgun pursuant to a permit issued under
 13 this Section **or a person lawfully carrying a handgun pursuant to R.S. 14:95(M).**

14 **(2)** No individual to whom a concealed handgun permit is issued **or who is**
 15 **lawfully carrying a handgun pursuant to R.S. 14:95(M)** may carry ~~such a~~
 16 concealed handgun into the private residence of another without first receiving the
 17 consent of that person.

18 * * *

19 Section 3. This act shall become effective on April 19, 2024.

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

DIGEST

SB 1 Engrossed

2024 Second Extraordinary Session

Miguez

Present law provides that the crime of illegal carrying of weapons includes the intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person.

Proposed law retains present law.

Present law provides an exemption to the crime of illegal carrying of weapons to a resident of Louisiana who is:

- (1) 21 years of age or older.
- (2) Not prohibited from possessing a firearm under state or federal law.

- (3) A reserve or active-duty member of any branch of the U.S. Armed Forces, the La. National Guard or the La. Air National Guard, or a former member of any branch of the U.S. Armed Forces, the La. National Guard, or the La. Air National Guard who has been honorably discharged from service.

Proposed law makes it lawful for any person 18 years of age or older who is not prohibited from possessing a firearm under state or federal law to carry a concealed weapon without a permit. Proposed law also deletes present law relative to concealed carry by active-duty or former members of the military in favor of proposed law generally allowing permitless concealed carry for any law-abiding person.

Present law provides that a concealed handgun permit (CHP) does not allow a concealed handgun in certain places, including: any building or location in which firearms are banned by state or federal law; a law enforcement building, detention facility, courthouse, polling place, municipal building or other public building utilized as the meeting place of the governing authority of a political subdivision; the state capitol; an airport; a place of worship without permission of the administration; a parade or demonstration for which a permit is issued by a governmental entity; and a school or school bus.

Proposed law applies these present law restrictions on concealed carry to the permitless concealed carry provided for by proposed law.

Present law does not limit the right of a property owner or lawful custodian to prohibit or restrict access of those persons possessing a concealed handgun pursuant to a CHP issued under present law, and no individual to whom a CHP is issued may carry a concealed handgun into the private residence of another without first receiving the consent of that person.

Proposed law retains present law and applies it to the permitless concealed carry provided for by proposed law.

Present law provides that a CHP does not entitle a permittee to carry a concealed weapon in any facility, building, location, zone, or area in which firearms are banned by state or federal law.

Proposed law retains present law and applies it to the permitless concealed carry provided for by proposed law.

Effective April 19, 2024.

(Amends R.S. 14:95(M) and R.S. 40:1379.3(B)(2)(a), (M), and (O); adds R.S. 14:95(N))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete certain references in present law to specific statutory prohibitions on carrying a concealed weapon in favor of the broad requirement that the person not be prohibited under any state or federal law.
2. Change certain references in present law and proposed law from "weapon" to "handgun."
3. Change effective date from August 1, 2024 to April 19, 2024.