

Regular Session, 2013

# ACT No. 402

HOUSE BILL NO. 98

BY REPRESENTATIVES THOMPSON AND JIM MORRIS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To amend and reenact R.S. 44:4.1(B)(26), to enact R.S. 40:1379.1.1, and to repeal R.S. 40:1379.1(G), relative to concealed handgun permits; to retain the authority of sheriffs to issue a concealed handgun permit for use within the boundaries of a parish; to authorize sheriffs to issue a concealed handgun permit pursuant to a reciprocity agreement entered into with a sheriff of a contiguous parish; to provide with respect to the validity of the permits; to provide for reciprocity between contiguous parishes; to provide for the qualifications for the issuance of such permit; to prohibit the release, dissemination, or publishing of information with respect to concealed handgun permit applications; to provide for exceptions; to provide for criminal penalties; to provide for the assessment of processing fees; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 40:1379.1.1 is hereby enacted to read as follows:

§1379.1.1. Concealed handgun permit issued by sheriffs; reciprocity; contiguous parishes

A.(1) The sheriff of a parish shall have the authority to issue a concealed handgun permit to any person. The permit shall be valid only within the boundaries of the parish in which the sheriff has jurisdiction, unless the sheriff has entered into a reciprocity agreement as provided for in Subsection B of this Section.

(2) Upon application, the sheriff 's office shall perform a standard criminal record check. The officer who performed the standard criminal record check shall not be liable for acts committed by the permittee, unless the officer had actual

1            personal knowledge at the time he issued the permit that the permittee was mentally  
2            unstable or disqualified by law from possessing a firearm.

3            B.(1) A sheriff may enter into a reciprocity agreement with any sheriff of a  
4            contiguous parish that shall authorize both sheriffs to issue concealed handgun  
5            permits to persons meeting the criteria provided for in Subsection C of this Section.  
6            Those permits issued pursuant to this Subsection shall be valid within the boundaries  
7            of the participating contiguous parishes. The agreement shall specify the terms of  
8            use regarding the issuance of the concealed handgun permits and any other  
9            restrictions deemed appropriate by the sheriffs.

10           (2) If a sheriff enters into a reciprocity agreement with any sheriff in a  
11           contiguous parish, no concealed handgun permits shall be issued to any person  
12           pursuant to Subsection A of this Section.

13           (3) Any concealed handgun permit issued pursuant to this Subsection shall  
14           be null, void, and of no effect if the permittee does not meet the criteria provided for  
15           in Subsection C of this Section.

16           C. To qualify for a concealed handgun permit issued by a sheriff who has  
17           entered into a reciprocity agreement with a sheriff of a contiguous parish, the  
18           applicant shall meet all of the following requirements:

19           (1) Make sworn application to the sheriff in the same manner provided for  
20           in R.S. 40:1379.3(C)(1) in which a concealed weapons permit application is made  
21           to the secretary of public safety services of the Department of Public Safety and  
22           Corrections.

23           (2) Meet the same qualifications for the issuance of a concealed handgun  
24           permit pursuant to the provisions of R.S. 40:1379.3(C).

25           (3) Demonstrate competence with a handgun in the same manner provided  
26           for in R.S. 40:1379.3(D) in which a concealed weapons permit application is made  
27           to the secretary of public safety services of the Department of Public Safety and  
28           Corrections.

29           D.(1) Any information in an application for a concealed handgun permit or  
30           any information provided in connection with the application submitted to the sheriff's

1 office pursuant to the provisions of this Section shall be held confidential and shall  
2 not be subject to any public records request nor shall the information be considered  
3 as a public record pursuant to R.S. 44:1 et seq. The sheriff shall not be required to  
4 release any list of persons who applied for or received a permit for a concealed  
5 handgun pursuant to this Section; however, nothing in this Section shall limit or  
6 impede the exchange of information between law enforcement agencies, prohibit the  
7 sheriff from releasing information necessary to perform a background investigation,  
8 provide statistical information that does not identify individual applicants or  
9 permittees, or release information in response to an appropriate law enforcement  
10 function as determined by the issuing sheriff.

11 (2) Absent a valid court order requiring the release of information, or unless  
12 an applicant or a recipient of a concealed handgun permit is charged with a felony  
13 offense involving the use of a handgun, it shall be unlawful for any employee of the  
14 sheriff's office to intentionally release or disseminate for publication any information  
15 contained in an application for a concealed handgun permit or any information  
16 regarding the identity of any person who applied for or received a concealed  
17 handgun permit issued pursuant to this Section. A person who violates the  
18 provisions of this Paragraph shall be fined not more than five hundred dollars,  
19 imprisoned for not more than six months, or both.

20 (3)(a) Subject to the provisions of Paragraph (2) of this Subsection, it shall  
21 be unlawful for any person to intentionally release, disseminate, or make public in  
22 any manner any information contained in an application for a concealed handgun  
23 permit or any information regarding the identity of any person who applied for or  
24 received a concealed handgun permit issued pursuant to this Section. Any person  
25 except as provided for in Paragraph (2) of this Subsection, who violates the  
26 provisions of this Paragraph shall be fined ten thousand dollars and may be  
27 imprisoned for not more than six months.

28 (b) The provisions of this Paragraph shall not apply to the release of  
29 information under any of the following circumstances:

30 (i) A valid court order requires the release of the information.

1                   (ii) The information released identifies a concealed handgun permit holder  
 2                   or applicant who is charged with a felony offense involving the use of a handgun.

3                   (iii) The information regarding a concealed handgun permit applicant or  
 4                   holder is released pursuant to the express approval for the release of such  
 5                   information by that permit applicant or holder.

6                   (iv) The information regarding a concealed handgun permit holder or  
 7                   applicant has been made public by that concealed handgun permit holder or  
 8                   applicant.

9                   E.(1) A sheriff who issues a concealed handgun permit pursuant to the  
 10                   provisions of Subsection B of this Section shall require an applicant to comply with  
 11                   the requirements of Subsection C of this Section and shall charge the fee in the  
 12                   amount set forth in R.S. 40:1379.3(H)(2).

13                   (2) A sheriff who issues a concealed handgun permit pursuant to this Section  
 14                   shall revoke the permit if the permit holder violates any provision as provided for in  
 15                   R.S. 40:1379.3(F).

16                   F. The provisions of this Section shall not invalidate any permit to carry a  
 17                   concealed handgun that was issued by a sheriff prior to August 1, 2013.

18                   Section 2. R.S. 44:4.1(B)(26) is hereby amended and reenacted to read as follows:

19                   §4.1. Exceptions

20   \*       \*       \*

21                   B. The legislature further recognizes that there exist exceptions, exemptions,  
 22                   and limitations to the laws pertaining to public records throughout the revised  
 23                   statutes and codes of this state. Therefore, the following exceptions, exemptions, and  
 24                   limitations are hereby continued in effect by incorporation into this Chapter by  
 25                   citation:

26   \*       \*       \*

1 (26) R.S. 40:3.1, 31.14, 31.27, 39.1, 41, 73, 526, 528, 1007, 1098.8, 1232.7,  
 2 1299.6, 1299.35.10, 1299.44, 1299.85, 1299.87, 1300.14, 1300.54, 1379.1.1(D),  
 3 1379.3, 2009.8, 2009.14, 2010.5, 2017.9, 2018, 2019, 2020, 2106, 2109.1, 2138,  
 4 2532, 2845.1

5 \* \* \*

6 Section 3. R.S. 40:1379.1(G) is hereby repealed in its entirety.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_