

2018 Regular Session

HOUSE BILL NO. 412

BY REPRESENTATIVE IVEY

WEAPONS/FIREARMS: Provides relative to the exemption of certain Louisiana residents from the crime of illegal carrying of weapons when the firearm is legally obtained, manufactured, and possessed

1 AN ACT

2 To enact R.S. 14:95(L), relative to the illegal carrying of weapons; to exempt certain  
3 Louisiana residents from the crime of illegal carrying of weapons when the firearm  
4 is legally obtained, manufactured, and possessed; to provide for legislative intent; to  
5 provide for contingent effectiveness; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. This Act is known and may be cited as the "Louisiana Constitutional  
8 Carry and Restoration of Second Amendment Rights Act of 2018".

9 Section 2. The Second Amendment of the United States Constitution and Article I,  
10 Section 11 of the Louisiana Constitution declare that it is the right of the people to keep and  
11 bear arms and this right shall not be infringed. It is the purpose of the government to protect  
12 and secure the rights of its citizens and not infringe upon them. The founders recognized the  
13 right to keep and bear arms as absolute and fundamental by explicitly providing for its  
14 protection in the Bill of Rights with an emphasis on the fact that it shall not be infringed.  
15 In 2012, the people of the state of Louisiana acknowledged and emphasized the importance  
16 of this right and the government's purpose in protecting it by ratifying a proposal submitted  
17 by Act No. 874 of the 2012 Regular Session that limits the legislature's authority to regulate  
18 the right to keep and bear arms and provides that any infringement of this right is subject to  
19 the highest level of scrutiny. This legislature acknowledges that the right to keep and bear

1 arms is a right where the primary issue is that of possession. Limitations on the way a  
2 person chooses to possess a firearm, whether concealed or openly carried, is a restriction on  
3 this absolute and fundamental right. Therefore, the right to keep and bear arms must be  
4 interpreted to include the right of law abiding citizens to responsibly carry a concealed  
5 weapon.

6 Section 3. R.S. 14:95(L) is hereby enacted to read as follows:

7 §95. Illegal carrying of weapons

8 \* \* \*

9 L. The provisions of Paragraph (A)(1) of this Section shall not apply to a  
10 Louisiana resident if all of the following conditions are met:

11 (1) The Louisiana resident is twenty-one years of age or older.

12 (2) The Louisiana resident is not prohibited from possessing a firearm under  
13 R.S. 14:95.1 or any other state or federal law.

14 (3) The firearm is legally manufactured and obtained.

15 Section 4. It is the intent of the legislature that both this Act and the Act which  
16 originated as HB No. \_\_\_\_ of the 2018 Regular Session shall become effective on February  
17 1, 2019, but that neither Act shall become effective without the other. Therefore, this Act  
18 shall only become effective if the Act which originated as HB No. \_\_\_\_ of the 2018 Regular  
19 Session is enacted by the legislature and is signed by the governor; becomes law without  
20 signature by the governor pursuant to Article III, Section 18 of the Constitution of Louisiana;  
21 or is vetoed by the governor but subsequently approved by the legislature.

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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)]

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HB 412 Original                      2018 Regular Session                      Ivey

**Abstract:** Exempts certain La. residents from the crime of illegal carrying of weapons when the firearm is legally obtained, manufactured, and possessed, and provides that this Act shall be known as the "Louisiana Constitutional Carry and Restoration of Second Amendment Rights Act of 2018".

Present law prohibits the carrying of a concealed firearm, provides for criminal penalties, and provides for certain exceptions to the offense.

Proposed law creates an exception to this prohibition for a La. resident when the following criteria is met:

- (1) The La. resident is 21 years of age or older.
- (2) The La. resident is not prohibited from possessing a firearm under any federal or state law.
- (3) The firearm was legally manufactured and obtained.

Proposed law provides for legislative intent and shall be known and may be cited as the "Louisiana Constitutional Carry and Restoration of Second Amendment Rights Act of 2018".

The effectiveness of proposed law is contingent upon the enactment of the legislation which originated as HB No. \_\_\_\_ of the 2018 R.S. If HB No. \_\_\_\_ of the 2018 R.S. and this bill are both enacted, proposed law shall become effective on Feb. 1, 2019.

(Adds R.S. 14:95(L))