

2016 Regular Session

HOUSE BILL NO. 121

BY REPRESENTATIVE HODGES

WEAPONS/FIREARMS: Creates the crime of wrongful exclusion of concealed handgun permit holders

1 AN ACT

2 To enact R.S. 14:95.11, relative to possession of handguns by concealed handgun permit
3 holders; to create a crime prohibiting the exclusion of concealed handgun permit
4 holders from certain facilities; to provide definitions; to provide criminal penalties;
5 to provide for relief and damages; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95.11 is hereby enacted to read as follows:

8 §95.11. Wrongful exclusion of concealed handgun permit holders

9 A. No state agency or political subdivision of the state shall exclude or
10 prohibit a concealed handgun permit holder from entering or remaining on the
11 premises of any property owned or leased by the state or any political subdivision of
12 the state unless the concealed handgun permit holder is otherwise prohibited from
13 carrying a concealed handgun on the premises as provided for in R.S. 40:1379.3(N)
14 or is otherwise prohibited by law. A political subdivision shall not use the provisions
15 of R.S. 40:1796(A) to prohibit a concealed handgun permit holder from carrying a
16 concealed handgun in a public building or commercial establishment which is not
17 listed in R.S. 40:1379.3(N) or otherwise prohibited by law.

18 B.(1) A state agency or a political subdivision of the state that violates the
19 provisions of this Section shall be fined not more than two hundred fifty dollars for
20 a first offense.

1 (2) Whoever violates the provisions of this Section for a second or
2 subsequent offense shall be fined not more than one thousand dollars per violation.

3 C. A person adversely affected by an ordinance, enactment, rule, or policy
4 adopted or enforced by a political subdivision or state agency that violates the
5 provisions of this Section may file an action in a court with competent jurisdiction
6 against the political subdivision for declarative and injunctive relief and actual and
7 consequential damages attributable to the violation.

8 D. A person is "adversely affected" for purposes of this Section if the person
9 is an individual who lawfully resides within the United States and may legally
10 possess a firearm under the laws of Louisiana.

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 121 Original

2016 Regular Session

Hodges

Abstract: Prohibits state agencies and political subdivisions from excluding concealed handgun permit holders on their premises.

Present law provides for the issuance of concealed handgun permits.

Present law provides for locations where concealed handgun permit holders are prohibited from carrying concealed handguns.

Proposed law retains present law, but prohibits the state or its political subdivisions from excluding the carrying of concealed handguns by concealed handgun permit holders unless those locations are excluded under present law.

Proposed law provides penalties of a fine of \$250 for a first violation and \$1,000 for a second or subsequent violation.

Proposed law also authorizes a person adversely affected by the actions of a state agency or political subdivision to seek declarative and injunctive relief and actual and consequential damages attributable to the violation.

(Adds R.S. 14:95.11)