

2020 Regular Session

HOUSE BILL NO. 746

BY REPRESENTATIVE GAROFALO

WEAPONS/FIREARMS: Provides an exception to the illegal carrying of weapons for certain persons who carry a concealed firearm during a mandatory evacuation

1 AN ACT

2 To enact R.S. 14:95(L), relative to the illegal carrying of weapons; to provide an exception  
3 to the crime of illegal carrying of weapons for certain persons during a mandatory  
4 evacuation in a declared state of emergency or disaster; to provide for definitions;  
5 and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95(L) is hereby enacted to read as follows:

8 §95. Illegal carrying of weapons

9 \* \* \*

10 L. The provisions of Paragraph (A)(1) of this Section shall not apply to any  
11 person who is not prohibited from possessing a firearm pursuant to R.S. 14:95.1 or  
12 any other state or federal law and who is carrying a concealed firearm on or about  
13 his person while in the act of evacuating during a mandatory evacuation order issued  
14 during a state of emergency or disaster declared pursuant to the Louisiana Homeland  
15 Security and Emergency Assistance and Disaster Act. For purposes of this  
16 Subsection, "in the act of evacuating" means the immediate and urgent movement  
17 of a person away from the evacuation area within forty-eight hours after a mandatory  
18 evacuation is ordered. The forty-eight-hour period may be extended by an order  
19 issued by the governor.

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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 746 Original

2020 Regular Session

Garofalo

**Abstract:** Provides an exception to the crime of illegal carrying of weapons for persons who may lawfully possess a firearm and who carry a concealed firearm during a mandatory evacuation in a declared state of emergency or disaster.

Present law (R.S. 14:95) 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 the present law crime for any person who is not prohibited from possessing a firearm pursuant to present state or federal law and who is carrying a concealed firearm on or about his person while in the act of evacuating during a mandatory evacuation order issued during a state of emergency or disaster declared pursuant to the present law La. Homeland Security and Emergency Assistance and Disaster Act.

For purposes of proposed law, "in the act of evacuating" is defined as the immediate and urgent movement of a person away from the evacuation area within 48 hours after a mandatory evacuation is ordered. The 48-hour period may be extended by an order issued by the governor.

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