



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 1.25

TITLE: ENFORCING CONCEALED FIREARMS LAWS

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PURPOSE

This Chapter identifies the Department's responsibilities involving concealed handgun permits.

STATE-ISSUED CONCEALED HANDGUN PERMIT

1. The Department of Public Safety and Corrections (DPSC) has the statutory authority to issue a concealed handgun permit. A permit shall be issued to any citizen who qualifies pursuant to state law (La R.S. 40:1379.3). The New Orleans Police Department does not issue concealed handgun permits for the State of Louisiana.
2. Commissioned law enforcement officers are exempt from the requirements involving a concealed handgun permit (La R.S. 40:1379.3(Q)).

APPLICATION PROCESS

3. The DPSC issues permits to carry a concealed handgun to Louisiana residents who meets the requirements set by the Department of Public Safety and Corrections, including demonstrating competence with a handgun (La R.S. 40:1379.3(B); La R.S. 40:1379.3(C); La R.S. 40:1379.3(D)). Within two working days of receiving an application, DPSC will notify this Department that a person domiciled within the City of New Orleans has applied for a concealed handgun permit.
4. Notifications from DPSC regarding concealed handgun permits shall be forwarded to the Records and Identification Section of the Management Services Bureau. The Records and Identification Section is responsible for ensuring that any information relating to the applicant's legal qualification to receive a permit is forwarded within 10 days to the deputy secretary of DPSC (La R.S. 40:1379.3(H)).

PERMIT ISSUED IN ANOTHER STATE

5. A permit to carry a concealed handgun that is issued by another state that recognizes the validity of permits issued pursuant to Louisiana law shall be valid in this state (La R.S. 40:1379.3(T)). The person shall be subject to the restrictions regarding the carrying of concealed firearms in Louisiana.

TEMPORARY DISARMING, SEIZING OR REVOKING PERMITS AND HANDGUNS

6. The permit holder of a concealed carry permit, valid in this state, is required to notify an officer who approaches him/her in an official manner (e.g., Terry Stop, traffic stop, etc.) that he/she has a weapon on his/her person, submit to a pat-down, and allow the officer to temporarily disarm him/her.
7. An officer may seize the handgun of any person physically arrested or issued a summons for negligently carrying a concealed handgun or behaving in a criminally negligent manner. In the event the officer determines that a physical arrest is appropriate both the handgun and the permit of the person shall be seized (**La R.S. 40:1379.3(I) (2)**; **La R.S. 40:1382**) pending the adjudication of the charges.
8. Whenever an officer determines that grounds exist for the revocation of a concealed handgun permit, he/she shall prepare an affidavit on the appropriate form provided by DPSC indicating the reasons for the revocation, which can be found at <https://lsp.org/media/yd2lzuoc/chsuspension.pdf>. A copy of the officer's report relating to the incident shall be attached to the affidavit when submitted to DPSC (La R.S. 40:1379.3(I) (5)).
9. When an officer is made aware that an individual is carrying a concealed handgun and the officer has reasonable suspicion to believe that the individual is under the influence of either alcohol or a controlled dangerous substance, the officer may take temporary possession of the handgun and request submission of the individual to a department certified chemical test for determination of the chemical status of the individual. Failure by the permittee to comply with these provisions shall result in a six-month automatic suspension of the permit (**La R.S. 40:1379.3(I)(2)**). If the permittee refuses the request, both the handgun and the permit of the person shall be seized and the officer shall prepare an affidavit on the appropriate form provided by DPSC indicating the reasons for the revocation. A copy of the officer's report relating to the incident shall be attached to the affidavit when submitted to DPSC.
10. The Superintendent of Police may revoke any concealed handgun permit. (La R.S. 40:1379.1(I)).

CARRYING CONCEALED FIREARMS RESTRICTIONS

11. An individual with a concealed handgun permit may not carry a concealed handgun while under the influence of alcohol or a controlled dangerous substance. A blood alcohol level of .05 percent or greater, or when a blood test or urine test shows any confirmed presence of a controlled dangerous substance is considered being under the influence (La R.S. 40:1379.3(I)1).
12. Concealed handguns are not permitted in certain buildings or other areas that may be prohibited by law. Examples include, but are not limited to the following:
 - (a) Any establishment that has been granted a permit to sell alcoholic beverages for consumption on the premises (La R.S. 26:71.1; La R.S. 26:271).
 - (b) Any place where a property owner, lessee, or other lawful custodian of the property has prohibited or restricted persons from possessing a concealed handgun (La R.S. 1379.3(O)).
 - (c) Any school firearm-free zone pursuant to La R.S. 14:95.6.
 - (d) Those areas identified under La R.S. 40:1379.3 and La R.S. 40:1379.3(N):
 - i. A law enforcement office, station, or building.
 - ii. A detention facility, prison, or jail.
 - iii. A courthouse or courtroom provided that a judge may carry such a weapon in his own courtroom.

- iv. A polling place.
- v. A meeting place of the governing authority of a political subdivision.
- vi. The state capitol building.
- vii. Locations where carrying a concealed firearm is prohibited by state or federal law, including any portion of an airport facility where the carrying of firearms is prohibited under federal law, except that no person shall be prohibited from carrying any legal firearm into the terminal, if the firearm is encased for shipment, for the purpose of checking such firearm as lawful baggage.
- viii. Any church, synagogue, mosque, or other similar place of worship, eligible for qualification as a tax-exempt organization under 26 U.S.C. 501, except as provided for in Subsection U of this Section.
- ix. A parade or demonstration for which a permit is issued by a governmental entity.
- x. Any portion of the permitted area of an establishment that has been granted Class A-General retail permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for consumption on the premises.
- xi. Any school, school campus, or school bus as defined in La R.S. 14:95.6.
 - (a) A student who possesses a firearm in his dormitory room or while going to or from his vehicle or any other person with permission of the administration (Louisiana Department of Public Safety and Corrections Office of State Police is expected from this restriction (Concealed Handgun Permit Unit web booklet on Louisiana Concealed Handgun Permit Laws and Administrative Rules., page 35).

PERMITTING EXEMPTIONS FOR CARRYING CONCEALED FIREARMS

13. The provisions of La. **R.S. 14-95 (A)(1) (Illegal Carrying of Weapons)** shall not apply to a resident of Louisiana if all of the following conditions are met:
- (a) The person is twenty-one years of age or older.
 - (b) The person is not prohibited from possessing a firearm under R.S. 14:95.1, R.S. 40:1379.3(C)(5) through (17), 18 U.S.C. 922(g), or any other state or federal law.
 - (c) The person is a reserve or active-duty member of any branch of the United States Armed Forces; a member of the Louisiana National Guard or the Louisiana Air National Guard; or a former member of any branch of the United States Armed Forces, the Louisiana National Guard, or the Louisiana Air National Guard who has been honorably discharged from service.
 - (d) At all times that a person is in possession of a concealed handgun pursuant to R.S. 40:1379.3(B)(2), that person shall have on his person proof that he meets the qualifications of Subparagraph (a) of this Paragraph demonstrated by one of the following:
 - i. A valid military identification card.
 - ii. A valid driver's license issued by the state of Louisiana displaying the word "Veteran" pursuant to R.S. 32:412(K).
 - iii. A valid special identification card issued by the state of Louisiana displaying the word "Veteran" pursuant to R.S. 40:1321(K).
 - iv. For a member released from service who does not qualify to have the word "Veteran" displayed on a state issued driver's license or special identification card, a Department of Defense Form 214 (DD-214) indicating the character of service as "Honorable" or "Under Honorable Conditions (General)" and a valid driver's license or special identification card issued by the state of Louisiana.
14. The provisions of La. **R.S. 14-95 (G) (Illegal Carrying of Weapons)** shall not apply to a resident of Louisiana if all of the following conditions are met:

- (a) G.(1) The provisions of this Section shall not apply to sheriffs and their deputies, state and city police, constables and town marshals, or persons vested with police power when in the actual discharge of official duties. These provisions shall not apply to sheriffs and their deputies and state and city police who are not actually discharging their official duties, provided that such persons are full time, active, and certified by the Council on Peace Officer Standards and Training and have on their persons valid identification as duly commissioned law enforcement officers.
- (b) (2) The provisions of this Section shall not apply to any law enforcement officer who is retired from full-time active law enforcement service with at least twelve years service upon retirement, nor shall it apply to any enforcement officer of the office of state parks, in the Department of Culture, Recreation and Tourism who is retired from active duty as an enforcement officer, provided that such retired officers have on their persons valid identification as retired law enforcement officers, which identification shall be provided by the entity which employed the officer prior to his or her public retirement. The retired law enforcement officer must be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such qualification. This exception shall not apply to such officers who are medically retired based upon any mental impairment.
- (c) (3)(a) The provisions of this Section shall not apply to active or retired reserve or auxiliary law enforcement officers qualified annually by the Council on Peace Officer Standards and Training and who have on their person valid identification as active or retired reserve law or auxiliary municipal police officers. The active or retired reserve or auxiliary municipal police officer shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification.
- (d) (b) For the purposes of this Paragraph, a reserve or auxiliary municipal police officer shall be defined as a volunteer, nonregular, sworn member of a law enforcement agency who serves with or without compensation and has regular police powers while functioning as such agency's representative, and who participates on a regular basis in agency activities including but not limited to those pertaining to crime prevention or control, and the preservation of the peace and enforcement of the law.
- (e) H.(1) Except as provided in Paragraph (A)(4) of this Section and in Paragraph (2) of this Subsection, the provisions of this Section shall not prohibit active justices or judges of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts domiciled in the state of Louisiana, and traffic courts; members of either house of the legislature; officers of either house of the legislature; the legislative auditor; designated investigative auditors; constables; coroners; designated coroner investigators; district attorneys and designated assistant district attorneys; United States attorneys and assistant United States attorneys and investigators; the attorney general; designated assistant attorneys general; city prosecutors; designated assistant city prosecutors; a United States representative from Louisiana and his designated, employed congressional staffer; a United States senator from Louisiana and his designated, employed congressional staffer; and justices of the peace from possessing and concealing a handgun on their person when such persons are qualified annually in the use of firearms by the Council on Peace Officer Standards and Training.
- (f) K.(1) The provisions of this Section shall not prohibit a retired justice or judge of the supreme court, courts of appeal, district courts, parish courts, juvenile courts, family courts, city courts, federal courts; retired attorney general; retired assistant attorneys general; retired district attorneys; retired assistant district attorneys; retired United States attorneys, retired assistant United States attorneys, or retired federal investigators; retired justices of the peace; retired members of the United States Congress; and former members of either house of the legislature from possessing and concealing a handgun on their person provided that such retired person or former member of the legislature is qualified annually, at their expense, in the use of firearms by the Council on Peace Officer Standards and Training and has on their person valid identification showing proof of their status as a former

member of the legislature or as a retired justice, judge, attorney general, assistant attorney general, district attorney, assistant district attorney, United States attorney, or assistant United States attorney or federal investigator, or retired justice of the peace. For a former member of the legislature, the valid identification showing proof of status as a former legislator required by the provisions of this Paragraph shall be a legislative badge issued by the Louisiana Legislature that shall include the former member's name, the number of the district that the former member was elected to represent, the years that the former member served in the legislature, and words that indicate the person's status as a former member of the legislature.

- (g) (2) The retired justice, judge, attorney general, assistant attorney general, district attorney, assistant district attorney, justice of the peace, or former member of the United States Congress or either house of the legislature shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of qualification. However, this Subsection shall not apply to a retired justice, judge, attorney general, assistant attorney general, district attorney, assistant district attorney, United States attorney, assistant United States attorney or federal investigator, retired justice of the peace, or to a former member of the legislature or the United States Congress who is medically retired based upon any mental impairment, or who has entered a plea of guilty or nolo contendere to or been found guilty of a felony offense.
- (h) L. The provisions of Paragraph (A)(1) of this Section shall not apply to any person who is not prohibited from possessing a firearm pursuant to R.S. 14:95.1 or any other 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 Louisiana Homeland Security and Emergency Assistance and Disaster Act. For purposes of this Subsection, "in the act of evacuating" means the immediate and urgent movement of a person away from the evacuation area within forty-eight hours after a mandatory evacuation is ordered. The forty-eight-hour period may be extended by an order issued by the governor.

RECORDS

15. Any information provided in connection with an application for a concealed handgun permit shall be held confidential and is not subject to a public records request (La R.S. 1379.3(A) (2)).