

P.O. 403 Concealed Handguns

Effective From:	11-17-2020	Effective To:	Current
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C. P.O. 403 - Concealed Handguns

1. CONCEALED HANDGUN PERMIT SUSPENSION/REVOCATION AFFIDAVIT (DPSSP 4646)
 - i) According to [LRS 40:1379.3\(I\) \(5\)](#), when a peace officer determines that grounds exist for the revocation or suspension of a concealed handgun permit, he shall prepare an affidavit on a form prepared by the Department of Public Safety and Corrections. A copy of the peace officer's report shall be attached to the affidavit and submitted to the Concealed Handgun Permit Unit.
 - ii) The Department has developed the "Concealed Handgun Permit Suspension/Revocation Affidavit" (DPSSP 4646) to satisfy the requirements of this statute. An instruction sheet is provided with each affidavit to assist an officer in preparing this instrument.
2. PERMITTEE'S DUTY AND RESPONSIBILITY
 - i) In accordance with the provisions of [LRS 40:1379.3\(I\) \(2\)](#), a permittee shall, when approached by a peace officer acting in his official capacity:
 - a) Notify a peace officer that he is in possession of a concealed handgun on his person.
 - b) Submit to a pat down search.
 - c) Allow the officer to temporarily disarm him.
3. PROHIBITIONS
 - i) According to LRS 40:1379.3(M) & (N), no concealed handgun permit shall be valid or entitle any permittee to carry a concealed weapon in any facility, building, location, zone, or area in which firearms are banned by state or federal law and no concealed handgun may be carried into and no concealed handgun permit issued pursuant to this Section shall authorize or entitle a permittee to carry a concealed handgun in any of the following:
 - a) A law enforcement office, station, or building.
 - b) A detention facility, prison, or jail.
 - c) A courthouse or courtroom, provided that a judge may carry such a weapon in his own courtroom.
 - d) A polling place.
 - e) A municipal building or other public building or structure, only if the building or structure is utilized as the meeting place of the governing authority of a political subdivision.
 - f) The state capitol building.
 - g) 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.
 - h) Any church, synagogue, mosque, or other similar place of worship, eligible for qualification as a tax-exempt organization under 26 U.S.C. 501, unless authorized by the person who has authority over the administration of the church, synagogue, mosque, or other similar place of worship.
 - i) A parade or demonstration for which a permit is issued by a governmental entity.
 - j) Any portion of the permitted area of an establishment that has been granted a 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.
 - k) Any school, school campus, or school bus as defined in R.S. 14:95.6.

- ii) The provisions of LRS 40:1379.3 (N) shall not limit the right of a property owner, lessee, or other lawful custodian to prohibit or restrict access of those persons possessing a concealed handgun pursuant to a permit issued under LRS 40:1379.3. No individual to whom a concealed handgun permit is issued may carry such concealed handgun into the private residence of another without first receiving the consent of that person.
4. ENFORCEMENT PROCEDURE
- i) If any of the provisions outlined in this order are violated, the law allows an officer to charge a permittee with a criminal offense according to [LRS 40:1379.3\(L\)](#). However, the officer should consider all the circumstances before choosing an enforcement option. Except when extenuating circumstances are present, a summons should be issued in lieu of a physical arrest. If the situation necessitates taking a permittee into custody, the weapon must be seized and placed into evidence in accordance with [P.O. 404, Evidence](#). The permit should be seized and forwarded to the Concealed Handgun Permit Unit along with a completed copy of the arrest report and original "Concealed Handgun Suspension/Revocation Affidavit (DPSSP 4646)."
5. CARRYING WHILE UNDER THE INFLUENCE PROHIBITED
- i) A concealed handgun permittee may not conceal on their person a handgun while under the influence of alcohol or a controlled dangerous substance as defined in [LRS 40:961](#) and [LRS 40:964](#). A permittee is in violation of this statute when:
 - a) His blood alcohol reading is .05g% or higher.
 - b) His blood or urine confirms the presence of a controlled dangerous substance.
 - c) He refuses to submit to a Department certified chemical test at the request of a law enforcement officer.
6. ENFORCEMENT PROCEDURE
- i) If a violation as outlined in this order exists, a permittee must be in possession of a concealed handgun at the time of the violation. A law enforcement officer must have reasonable suspicion to believe a permittee was under the influence of alcohol or a controlled dangerous substance. If reasonable grounds exist, a permittee must submit to a chemical test. If a permittee is taken into custody for the purposes of conducting a chemical test, the handgun should be temporarily seized until the officer ascertains if a violation has occurred. If an officer suspects the use of a controlled dangerous substance, he should request a blood test or urinalysis. These types of samples should be collected and submitted to the Crime Lab in the same manner as cases involving impaired drivers. The procedure for proper handling and submittal of blood and urine may be found on the reverse side of form, "Notice to Withdraw Blood" (DPSSP 4610).
 - ii) Permittees do not have rights relating to a chemical test as in DWI cases. Therefore, they should only be advised of their rights against self-incrimination, i.e., Miranda Warning. Should a permittee either refuse the chemical test or the results indicate a blood alcohol concentration of .05g% or higher, or the presence of a controlled dangerous substance, a permittee's privileges to carry a concealed handgun are immediately revoked and the permittee should be charged with violating the provisions of [LRS 40: 1379.3\(L\)](#).
 - iii) A copy of the arrest report, "Concealed Handgun Permit Suspension/Revocation Affidavit", and permit should be forwarded to the Concealed Handgun Permit Unit. The permittee's handgun should be seized and placed into evidence in accordance with [P.O. 404, Evidence](#), until after the case has been adjudicated or returned to the permittee by court order.
7. NEGLIGENT CARRYING OF A CONCEALED HANDGUN
- i) According to the provisions of [LRS 40:1382](#), negligent carrying of a concealed handgun is the intentional or criminally negligent carrying by any person, whether authorized or licensed to carry or possess a concealed handgun, under the following circumstances:
 - a) When it is foreseeable the handgun may discharge, or when others are placed in reasonable apprehension that the handgun may discharge.

- b) When the handgun is being carried, brandished, or displayed under circumstances that create a reasonable apprehension on the part of members of the public or a law enforcement official that a crime is being committed or is about to be committed.

8. ENFORCEMENT PROCEDURE

- i) When an individual has violated the provisions of this statute, whether licensed to carry a concealed handgun or not, an officer should take immediate enforcement action. The totality of the circumstances should dictate whether an officer issues a summons or takes a subject into custody. In either case, the handgun should be seized and placed into evidence in accordance with P.O. 404, Evidence, until the case has been adjudicated. A copy of the arrest report, original "Concealed Handgun Permit Suspension/Revocation Affidavit" and permit (if applicable) should be forwarded to the Concealed Handgun Permit Unit.

9. RECIPROCITY

- i) Louisiana will honor a current and valid concealed handgun permit issued by another state if a current and valid concealed handgun permit issued by Louisiana is valid in that state. To view a current list of these states visit <http://lsp.org/handguns.html#recip>.
- ii) Officers encountering persons who possess a concealed handgun, along with an out-of-state valid concealed handgun permit from a reciprocity agreement state, shall handle those persons in accordance with this order.

10. MISCELLANEOUS

- i) To aid in identifying persons who have been issued a concealed handgun permit, a "flag" will be placed on the driving record of all permittees. A "flag" is activated only when the person's driving record is checked by his driver's license number. In order to assist the Department's Concealed Handgun Permit Unit, officers are asked to notify the Unit if a permittee is charged with any criminal offense. Should an officer charge a concealed handgun permittee with a criminal offense, they should also complete the "Concealed Handgun Permit Suspension/Revocation Affidavit" for submission along with a copy of the arrest report both to the Concealed Handgun Permit Unit.