



# Louisiana

## Summary of State Firearms Law

Last Updated September 13, 2010

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## Overview

In its publication [Gun Laws Matter: A Comparison of State Firearms Laws and Statistics](#), LCAV ranked each state based on a review of state laws in 25 different firearms-related policy areas. Louisiana ranked 28th out of 50 – having enacted few gun violence prevention laws. Among other things, Louisiana law does **not**:

- Require a background check prior to [the transfer of a firearm between private parties](#);
- Require firearms dealers to obtain a [state license](#);
- Prohibit the transfer or possession of [assault weapons](#), [50 caliber rifles](#), or [large capacity ammunition magazines](#);
- Limit the [number of firearms](#) that may be purchased at one time;
- Impose a [waiting period](#) on firearm purchases; or
- Regulate unsafe handguns ("[junk guns](#)" or "[Saturday night specials](#)").

Local governments in Louisiana generally [lack authority](#) to regulate firearms or ammunition, and local law enforcement must issue [a concealed handgun permit](#) to any applicant who meets basic qualifications.

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## Statistics

### Gun Deaths in Louisiana

Louisiana has *the highest* rate of gun deaths per capita among the states. In 2007, 869 people died from firearm-related injuries in Louisiana.<sup>1</sup>

### Crime Guns in Louisiana

Mayors Against Illegal Guns recently developed web pages detailing [data about each state's crime gun imports and exports](#). In 2009, [Louisiana](#) ranked 15th nationwide in terms of the number of crime guns supplied to other states per capita. Only 18.4% of crime guns recovered in Louisiana were originally sold in other states. (The national average is 29.8%.) More crime guns are trafficked out of Louisiana to other states than are trafficked into Louisiana from other states.<sup>2</sup>

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<sup>1</sup> National Center for Injury Prevention and Control, U.S. Centers for Disease Control and Prevention, *WISQARS Injury Mortality Reports, 1999-2007*, at [http://webappa.cdc.gov/sasweb/ncipc/mortrate10\\_sy.html](http://webappa.cdc.gov/sasweb/ncipc/mortrate10_sy.html).

<sup>2</sup> For a more comprehensive discussion regarding the patterns of gun trafficking across the states, see Mayors Against Illegal Guns, *Trace the Guns: The Link Between Gun Laws and Interstate Gun Trafficking* (September 2010), at <http://www.tracetheguns.org/report.pdf>.

## Number of Federally Licensed Firearms Dealers in Louisiana

There are 1,061 federally licensed firearms dealers and pawnbrokers in Louisiana.<sup>3</sup>

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### State “Right to Bear Arms”

Louisiana’s constitution provides for the keeping and bearing of arms, but permits gun regulation for public health and safety purposes. See [LCAV’s State Right to Bear Arms Provisions](#) for more-detailed information.

### Local Authority to Regulate Firearms

Louisiana has preempted most areas of local firearms regulation. See [LCAV’s State Preemption/Local Authority to Regulate Firearms summary](#) for further information.

### State Firearms Policies

Please note that many firearm-related laws have exceptions for military and law enforcement personnel.

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## Persons Prohibited from Firearm Possession

### Prohibited Purchasers Generally

See [Regulating Guns in America: Prohibited Purchasers](#) for a comprehensive discussion of this issue.

[Federal law prohibits certain persons from purchasing or possessing firearms](#), such as felons, certain domestic abusers, and certain people with a history of mental illness.

Similarly, Louisiana law prohibits the persons convicted of the following crimes from purchasing or possessing firearms, subject to certain exceptions:

- Certain violent felonies, various types of burglary, unauthorized entry of an inhabited dwelling, felony illegal use of weapons or dangerous instrumentalities, manufacture or possession of a delayed action incendiary device, manufacture or possession of a bomb, possession of a firearm while in possession or during the sale of a controlled substance, felony violations of the Uniform Controlled Dangerous Substances Law, any crime defined as a sex offense; or
- Any crime defined as an attempt to commit one of the above-mentioned offenses, or a crime under the laws of any other state or of the United States or of any foreign government or country which, if committed in Louisiana, would be one of the above-enumerated crimes.<sup>4</sup>

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<sup>3</sup> U.S. Department of Justice, Bureau of Alcohol, Tobacco, Firearms and Explosives, *List of Federal Firearms Licensees* (July 2010), at <http://www.atf.gov/about/foia/ffl-list.html>.

<sup>4</sup> [La. Rev. Stat. § 14:95.1\(A\)](#).

In addition, persons convicted of domestic abuse battery for the first or second time cannot receive a suspended sentence unless they refrain from owning or possessing a firearm for the entire length of the original sentence.<sup>5</sup>

For information on the background check process used to enforce these provisions, see the [Louisiana Background Checks](#) section.

Louisiana has no laws preventing the purchase or possession of firearms by:

- Persons with mental illness;
- Persons subject to domestic violence restraining orders; or
- Juvenile offenders.

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### **Minimum Age to Purchase / Possess**

Louisiana law generally prohibits a juvenile (a person under 17 years of age) from knowingly possessing any handgun,<sup>6</sup> and prohibits any person from selling or otherwise delivering for value any firearm to a person under age 18. Lack of knowledge of the minor's age is not a defense.<sup>7</sup> There is no minimum age to possess rifles and shotguns in Louisiana. [Federal age restrictions](#) impose stricter limits. See [Regulating Guns in America: Minimum Age to Purchase / Possess Firearms](#) for a comprehensive discussion of this issue.

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### **Domestic Violence and Firearms**

Louisiana law does **not**:

- Prohibit individuals convicted of domestic violence misdemeanors from purchasing or possessing firearms or ammunition;

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<sup>5</sup> [La. Rev. Stat. § 14:35.3\(C\), \(D\)](#).

<sup>6</sup> [La. Rev. Stat. § 14:95.8\(A\)](#). [Section 14:95.8\(C\)](#) excepts a juvenile from this prohibition if he or she is:

- Attending a hunter's safety course or a firearms safety course;
- Engaging in practice in the use of a firearm or target shooting at an established range;
- Hunting or trapping pursuant to a valid license pursuant to the laws of Louisiana;
- Traveling to or from any of the above activities while in possession of an unloaded gun;
- On real property with the permission of his or her parent or legal guardian and with the permission of the owner or lessee of the property;
- At such person's residence and who, with the permission of such person's parent or legal guardian, possesses a handgun; or
- Possessing a handgun with the written permission of such person's parent or legal guardian, provided the person carries on his or her person a copy of such written permission.

<sup>7</sup> [La. Rev. Stat. § 14:91\(A\)](#).

- Prohibit individuals subject to domestic violence protective orders from possessing firearms or ammunition;
- Require courts to notify domestic abusers when they become prohibited from possessing firearms or ammunition under [federal law](#);
- Require the surrender of firearms or ammunition by domestic abusers who have become prohibited from possessing firearms or ammunition under federal law; or
- Explicitly authorize or require the removal of firearms or ammunition at the scene of a domestic violence incident.

The only provision of Louisiana law addressing firearms in domestic violence situations prohibits persons convicted of domestic abuse battery for the first or second time from receiving a suspended sentence unless they refrain from owning or possessing a firearm for the entire length of the original sentence.<sup>8</sup>

See [Regulating Guns in America: Domestic Violence and Firearms](#) for a comprehensive discussion of this issue.

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### **Disarming Prohibited Persons**

Louisiana has no law requiring the removal of firearms from [persons who have become prohibited from possessing them](#).

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### **Sales & Transfers**

#### **Background Checks**

See [Regulating Guns in America: Background Checks](#) for a comprehensive discussion of this issue.

[Federal law requires federally licensed firearms dealers \(but not private sellers\) to initiate a background check on the purchaser prior to sale of a firearm](#). Federal law provides states with the option of serving as a state “point of contact” and conducting their own background checks using state, as well as federal, records and databases, or having the checks performed by the FBI using only the federal [National Instant Criminal Background Check System \(“NICS”\) database](#). (Note that state files are not always included in the federal database.)

Louisiana is not a point of contact state for the NICS. Louisiana has no law requiring firearms dealers to initiate background checks prior to transferring a firearm. As a result, in

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<sup>8</sup> [La. Rev. Stat. § 14:35.3\(C\), \(D\)](#).

Louisiana, firearms dealers must initiate the background check required by federal law by contacting the FBI directly.<sup>9</sup>

Louisiana law states that concealed handgun permit holders in Louisiana are exempt from federal background checks when purchasing a firearm.<sup>10</sup> However, federal law does not require dealers to conduct a background check only if a firearm purchaser presents a state permit to purchase or possess firearms that meets certain conditions.<sup>11</sup> The Bureau of Alcohol, Tobacco, Firearms & Explosives has determined that Louisiana concealed handgun permits do **not** meet these conditions. As a result, federal law requires licensed dealers in Louisiana to conduct background checks prior to sale of a firearm, even if the purchaser has a concealed handgun permit.<sup>12</sup>

Louisiana does not require private sellers (sellers who are not licensed dealers) to initiate a background check when transferring a firearm. See [Regulating Guns in America: Private Sales](#).

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### **Mental Health Reporting**

See [Regulating Guns in America: Mental Health Reporting](#) for a comprehensive discussion of this issue.

Federal law prohibits possession of a firearm or ammunition by any person who has been “adjudicated as a mental defective” or involuntarily “committed to any mental institution.”<sup>13</sup> No federal law, however, requires states to report the identities of these individuals to the [National Instant Criminal Background Check System \(“NICS”\) database](#), which the FBI uses to perform background checks prior to firearm transfers.

Louisiana has no law requiring the reporting of mental health information to NICS.

For general information on the background check process and categories of prohibited purchasers or possessors, see the [Louisiana Background Checks](#) section and the section entitled [Louisiana Prohibited Purchasers Generally](#).

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<sup>9</sup> Bureau of Justice Statistics, U.S. Department of Justice, *Survey of State Procedures Related to Firearm Sales, 2005* 35 (Nov. 2006), at: <http://bjs.ojp.usdoj.gov/content/pub/pdf/ssprfs05.pdf>.

<sup>10</sup> [La. Rev. Stat. § 40:1379.3\(T\)](#).

<sup>11</sup> Federal law exempts persons who have been issued state permits to purchase or possess firearms from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful. [18 U.S.C. § 922\(t\)\(3\)](#), [27 C.F.R. § 478.102\(d\)](#).

<sup>12</sup> Bureau of Alcohol, Tobacco, Firearms & Explosives, U.S. Department of Justice, *Brady Law: Permanent Brady Permit Chart* (July 3, 2008), at: <http://www.atf.gov/firearms/brady-law/permit-chart.html>.

<sup>13</sup> [18 U.S.C. § 922\(d\)\(4\)](#).

## **Retention of Sales / Background Check Records**

See [Regulating Guns in America: Retention of Firearm Sales and Background Check Records](#) for a comprehensive discussion of this issue.

Louisiana has no laws requiring the retention of sales or background check records by firearm sellers generally, or requiring the reporting of sales of firearms to a state or local agency. Dealers in short barreled shotguns and rifles, shotguns or rifles modified to have an overall length of less than 26 inches, concealable firearms with obliterated serial numbers, machine guns, and firearm mufflers or silencers, however, must keep records of transactions in these firearms as required by the Department of Public Safety and Corrections.<sup>14</sup>

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## **Waiting Periods**

Louisiana has no law imposing a waiting period prior to purchase of a firearm. See [Regulating Guns in America: Waiting Periods](#) for a comprehensive discussion of this issue.

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## **Multiple Purchases / Sales of Firearms**

Louisiana has no law restricting sales or purchases of multiple firearms. See [Regulating Guns in America: Restrictions on Multiple Purchases or Sales of Firearms](#) for a comprehensive discussion of this issue.

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## **Gun Dealers & Other Sellers**

### **Dealer Regulations**

See [Regulating Guns in America: Dealer Regulations](#) for a comprehensive discussion of this issue.

[Federal law requires firearms dealers to obtain a license](#) from the Bureau of Alcohol, Tobacco, Firearms & Explosives (ATF), although resource limitations prevent the ATF from properly overseeing all its licensees.

Louisiana has no law requiring firearms dealers generally to obtain a state license. However, dealers in short barreled shotguns and rifles, shotguns or rifles modified to have an overall length of less than 26 inches, concealable firearms with obliterated serial numbers, machine guns, or mufflers and silencers for firearms must register with the Department of Public Safety and Corrections ("Department").<sup>15</sup> The dealer must provide his or her name and all places of business within the state. Each dealer of these firearms must identify the firearm

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<sup>14</sup> [La. Rev. Stat. §§ 40:1788, 40:1789.](#)

<sup>15</sup> [La. Rev. Stat. §§ 40:1781, 40:1787.](#)

with an identification mark approved by the Department, and keep records of the transactions in these specified firearms as required by the Department.<sup>16</sup>

For laws applicable to both licensed and private firearm sellers, please see the [Louisiana Private Sales](#) section.

Louisiana has no law requiring dealers to conduct a background check on prospective firearm purchasers, although the [federal background check requirement](#) applies.

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### **Private Sales**

Louisiana has no law requiring a background check on the purchaser of a firearm when the seller is not a licensed dealer. Louisiana law does, however, prohibit knowingly making a firearm available to a patient of a mental institution,<sup>17</sup> and persons are prohibited from giving, selling, donating, lending, delivering or otherwise transferring a firearm to a person he or she knows to be a convicted felon.<sup>18</sup> See also the [Louisiana Minimum Age to Purchase / Possess](#) section.

See [Regulating Guns in America: Private Sales](#) for a comprehensive discussion of this issue.

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### **Gun Shows**

Louisiana has no laws expressly regulating gun shows. See the [Louisiana Private Sales](#) section for state laws that apply at gun shows. See [Regulating Guns in America: Gun Shows](#) for a comprehensive discussion of this issue.

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### **Immunity Statutes**

See [LCAV's policy page on Immunity Statutes / Manufacturer Litigation](#) for further information.

In 1999, Louisiana adopted two statutes providing immunity to the firearms industry. The first statute precludes any political subdivision or local or other governmental authority of the state from bringing suit to recover against any firearms or ammunition manufacturer, trade association, or dealer for damages for injury, death, or loss or to seek other injunctive relief resulting from or relating to the lawful design, manufacture, marketing, or sale of firearms or ammunition. The authority to bring such actions "as may be authorized by law" is reserved exclusively to the state. However, the statute specifically states that it does not prohibit a political subdivision or local or other governing authority of the state from bringing an action for breach of contract as to firearms or ammunition purchased by the political subdivision or local authority of the state.<sup>19</sup>

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<sup>16</sup> [La. Rev. Stat. §§ 40:1788, 40:1789.](#)

<sup>17</sup> [La. Rev. Stat. § 28:183.](#)

<sup>18</sup> [La. Rev. Stat. § 14:95.1.1](#)

<sup>19</sup> [La. Rev. Stat. § 40:1799,](#)

The second statute declares that the Louisiana Products Liability Act was not designed to impose liability on a manufacturer or seller for the improper use of a properly designed and manufactured product, and that the manufacture and sale of firearms and ammunition by duly licensed manufacturers and dealers is a lawful activity that is not unreasonably dangerous. It also provides that no firearm manufacturer or seller shall be liable for:

- Any injury, damage, or death resulting from a shooting injury by any other person unless the claimant proves that such injury, damage, or death was proximately caused by the unreasonably dangerous construction or composition of the product;
- The actions of any person who uses a firearm in a manner which is unlawful, negligent, or otherwise inconsistent with the purposes for which it was intended, so long as the firearm was transferred in compliance with federal and state law; or
- Failing to warn users of the risk that:
  - A firearm has the potential to cause serious bodily injury, property damage, or death when discharged legally or illegally;
  - An unauthorized person could gain access to the firearm;
  - A cartridge may be in the chamber of the firearm; or
  - The firearm is capable of being fired even with the ammunition magazine removed.

In addition, the failure of a manufacturer or seller to ensure that a firearm has a device which would: 1) make the firearm useable only by the lawful owner or authorized user of the firearm; 2) indicate to users that a cartridge is in the chamber of the firearm; or 3) prevent the firearm from firing if the ammunition magazine is removed, does not make the firearm unreasonably dangerous, unless such device is required by federal or state statute or regulation.<sup>20</sup>

For detailed information about government and private party lawsuits against the gun industry, the status of litigation involving gun industry immunity statutes in various states, or pending gun industry immunity legislation, visit the [Brady Center's Legal Action Project](#) and the [Coalition to Stop Gun Violence's Gun Industry Immunity page](#).

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## **Gun Owner Responsibilities**

### **Licensing of Gun Owners or Purchasers**

Louisiana has no law requiring gun owners or purchasers to obtain a license. See [Regulating Guns in America: Licensing of Gun Owners or Purchasers](#) for a comprehensive discussion of this issue.

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<sup>20</sup> [La. Rev. Stat. § 9:2800.60](#).

## Registration of Firearms

See [Regulating Guns in America: Registration of Firearms](#) for a comprehensive discussion of this issue.

Louisiana has no law requiring most firearms to be registered. However, short barreled shotguns and rifles, shotguns or rifles modified to have an overall length of less than 26 inches, concealable firearms with obliterated serial numbers, machine guns, and mufflers or silencers for any firearm must be registered with the Department of Public Safety and Corrections ("Department").<sup>21</sup> Those wishing to transfer or acquire such devices must make a written application to the Department.<sup>22</sup>

While the transfer, purchase and possession of [machine guns](#) are sharply limited, the other listed firearms are simply subject to [the standard purchaser prohibitions](#).

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## Reporting Lost or Stolen Firearms

Louisiana does not require firearms owners to report the loss or theft of a firearm. See [Regulating Guns in America: Reporting Lost or Stolen Firearms](#) for a comprehensive discussion of this issue.

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## Firearms in Public Places

### Concealed Weapons Permitting

See [Regulating Guns in America: Carrying Concealed Weapons](#) for a comprehensive discussion of this issue.

Louisiana does not prohibit a person from carrying a concealed handgun in public if the person has a permit.<sup>23</sup> However, Louisiana prohibits the "negligent carrying of a concealed handgun," which applies regardless of whether a person is licensed under state law, and includes carrying a concealed handgun, intentionally or with criminal negligence, when it is foreseeable that the handgun may discharge.<sup>24</sup>

Louisiana is a "shall issue" state, meaning that Department of Public Safety and Corrections must issue a concealed weapons license if the applicant meets certain qualifications.<sup>25</sup> Applicants must:

- Have been a resident of Louisiana for at least six months;
- Be 21 years of age or older; and
- Be eligible to possess a firearm under federal law.<sup>26</sup>

<sup>21</sup> [La. Rev. Stat. §§ 40:1781\(3\), 40:1783](#).

<sup>22</sup> [La. Rev. Stat. § 40:1784](#).

<sup>23</sup> [La. Rev. Stat. §§ 40:1379.1\(M\), 40:1379.3\(L\)](#).

<sup>24</sup> [La. Rev. Stat. § 40:1382\(A\)](#).

<sup>25</sup> [La. Rev. Stat. § 40:1379.3\(A\)\(1\)](#).

In addition, applicants must not:

- Suffer from "mental or physical infirmity due to disease, illness, or retardation" which prevents the safe handling of a handgun;
- Be ineligible to possess a firearm due to a felony conviction;
- Have been institutionally committed, either voluntarily or involuntarily, for the abuse of a controlled dangerous substance, or been found guilty of, or entered a plea of guilty or no contest to a misdemeanor relating to a controlled dangerous substance within the last five years, or be presently charged with such an offense;
- Chronically and habitually use alcoholic beverages to the extent that his or her normal faculties are impaired, which shall be presumed if the applicant has been found guilty of, or entered a plea of guilty or no contest to, operating a vehicle while intoxicated, or has been admitted, either voluntarily or involuntarily, for treatment as an alcoholic within the last five years;
- Have entered a plea of guilty or no contest to, or been found guilty of, a violent crime at the misdemeanor level, unless five years have elapsed since completing the sentence or any other conditions set by the court have been fulfilled, or the conviction was set aside and the prosecution dismissed prior to the date on which the application is submitted;
- Have been convicted of, have entered a plea of guilty or no contest to, or be charged with any crime of violence or any crime punishable by imprisonment for a term of one year or more;
- Be a fugitive from justice;
- Be an unlawful user of, or addicted to, marijuana, depressants, stimulants, or narcotic drugs;
- Have been adjudicated to be mentally deficient or been committed to a mental institution;
- Be an illegal alien in the United States;
- Have been discharged from the Armed Forces of the United States with a discharge characterized as "Under Other than Honorable Conditions," a "Bad Conduct Discharge" or a "Dishonorable Discharge;"
- Have a history of engaging in violent behavior. There is a rebuttable presumption that an applicant has a history of engaging in violent behavior upon proof that, within the last 10 years, the applicant has, on three or more occasions, been arrested for or charged with any "crime of violence", or has on two or more occasions been arrested for or charged with any crime of violence punishable by death;
- Have had a permit denied within one year prior to the most recent application; or

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<sup>26</sup> [La. Rev. Stat. § 40:1379.3\(C\)](#).

- Have had a permit revoked within four years prior to the most recent application.<sup>27</sup>

The Department must conduct "a thorough background investigation, including a criminal history check, of every applicant, [including] a computer check of available on-line state records, and, if warranted, the fingerprints may be forwarded to the Federal Bureau of Investigation for a national criminal history record check."<sup>28</sup>

No permittee may carry a concealed handgun while under the influence of alcohol or a controlled dangerous substance.<sup>29</sup>

A concealed handgun permit may also be issued by the chief law enforcement officer of a parish (valid only within the parish), or by the deputy secretary of the Department (if the applicant already has a permit issued by the chief law enforcement officer of the parish in which the applicant is officially domiciled, and is bonded in the amount of \$5,000).<sup>30</sup> Permits issued by the deputy secretary of the Department may also be subject to certain "restrictive stipulations."<sup>31</sup>

### **Firearm Safety Training**

The applicant must also demonstrate competence with a handgun, usually by completing a specified or approved course or class within the previous year.<sup>32</sup>

### **Duration & Renewal**

Louisiana passed a law in 2010 extending the duration of concealed handgun permits from four to five years.<sup>33</sup>

### **Disclosure or Use of Information**

Louisiana does not allow personal application or permit information of concealed handgun permit holders to be made public. Such information is confidential and not subject to a public records request. However, the Department may provide statistical information which does not identify individual applicants or permittees.<sup>34</sup>

The Department must submit a report by March 31st of each year to the Legislature relative to concealed handgun permits. The report must include information – categorized by age, sex, race, and zip code of the applicant or licensee – on the number of licenses issued, denied, revoked, or suspended and the reasons for such denial, revocation, or suspension. The report must also include data concerning any known accidents or deaths involving permittees.<sup>35</sup>

<sup>27</sup> [La. Rev. Stat. § 40:1379.3\(C\)](#).

<sup>28</sup> [La. Rev. Stat. § 40:1379.3\(K\)](#).

<sup>29</sup> [La. Rev. Stat. § 40:1379.3\(I\)\(1\)](#).

<sup>30</sup> [La. Rev. Stat. § 40:1379.1\(G\)](#), [\(H\)](#).

<sup>31</sup> [La. Rev. Stat. § 40:1379.1\(H\)](#). Additional application and background check requirements, as well as permit suspension or disqualification information, are detailed under [sections 40:1379.1](#), [40:1379.3](#), and [14:95.1](#).

<sup>32</sup> [La. Rev. Stat. § 40:1379.3\(D\)](#).

<sup>33</sup> 2010 La. ALS 944 § 1 (to be codified at [La. Rev. Stat. § 40:1379.3\(H\)\(2\)](#)).

<sup>34</sup> [La. Rev. Stat. § 40:1379.3\(A\)\(2\)](#).

<sup>35</sup> [La. Rev. Stat. § 40:1379.3\(R\)\(2\)](#).

## Reciprocity

Louisiana law provides that a valid concealed handgun permit issued in another state is valid in Louisiana if the person is not a Louisiana resident, and the permit was issued by a state that recognizes Louisiana concealed handgun permits.<sup>36</sup>

## Brady Exemption

The Bureau of Alcohol, Tobacco, Firearms & Explosives has determined that Louisiana concealed handgun permits do **not** meet the conditions necessary for a state permit holder to be exempt from background checks upon purchase of a firearm under federal law.<sup>37</sup> As a result, federal law requires licensed dealers in Louisiana to conduct background checks prior to sale of a firearm, even if the purchaser has a concealed handgun permit. (Note that, despite ATF's determination, Louisiana law still states that concealed handgun permit holders in Louisiana are exempt from federal background checks when purchasing a firearm.<sup>38</sup>)

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## Open Carrying

Louisiana does not prohibit the [open carrying of firearms in public](#). Louisiana prohibits the "negligent carrying of a concealed handgun," which applies regardless of whether a person is licensed under state law, and includes carrying a concealed handgun, intentionally or with criminal negligence:

- When it is foreseeable that the handgun may discharge, or when others are placed in reasonable apprehension that the handgun may discharge; or
- 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.<sup>39</sup>

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## Location Restrictions

### Guns in Vehicles

A 2008 Louisiana law provides that a person who lawfully possesses a firearm may transport or store such firearm in a locked, privately-owned motor vehicle in any parking lot, parking

<sup>36</sup> [La. Rev. Stat. § 40:1379.3\(B\), \(T\)](#).

<sup>37</sup> Bureau of Alcohol, Tobacco, Firearms & Explosives, U.S. Department of Justice, *Brady Law: Permanent Brady Permit Chart* (July 3, 2008), at: <http://www.atf.gov/firearms/brady-law/permit-chart.html>. Federal law exempts persons who have been issued state permits to purchase or possess firearms from background checks if those permits were issued: 1) within the previous five years in the state in which the transfer is to take place; and 2) after an authorized government official has conducted a background investigation, including a search of the NICS database, to verify that possession of a firearm would not be unlawful. [18 U.S.C. § 922\(t\)\(3\)](#), [27 C.F.R. § 478.102\(d\)](#).

<sup>38</sup> [La. Rev. Stat. § 40:1379.3\(T\)](#).

<sup>39</sup> [La. Rev. Stat. § 40:1382\(A\)](#).

garage, or other designated parking area. The law forbids a property owner, tenant, public or private employer, or business entity from prohibiting any person from transporting or storing a firearm in this manner, but this rule does not apply if access is restricted or limited through the use of a fence, gate, security station, signage, or other means of restricting or limiting general public access onto the parking area, and the employer or business entity provides facilities for the temporary storage of unloaded firearms, or an alternative parking area reasonably close to the main parking area in which employees and other persons may transport or store firearms in locked, privately-owned motor vehicles. The law also expressly allows an employer or business entity to adopt policies specifying that firearms stored in locked, privately-owned motor vehicles on property controlled by an employer or business entity be hidden from plain view or within a locked case or container within the vehicle.<sup>40</sup>

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### **Guns in Schools**

Louisiana prohibits any person from carrying a firearm, openly or concealed, on school property, at a school-sponsored function, or in in a "firearm-free zone" (which includes a school campus, an area within 1,000 feet of a school campus, and inside a school bus).<sup>41</sup> The term "school" includes any elementary school, secondary school, high school, vocational-technical school, college or university.<sup>42</sup> Concealed handgun permit holders are not subject to this law when carrying a firearm in accordance with their permits within 1,000 feet of school property.<sup>43</sup> Louisiana law also requires the expulsion of any student found in possession of a firearm at the school.<sup>44</sup> See [LCAV's policy page on Guns in Schools](#) for further information.

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### **Other Location Restrictions**

Louisiana law prohibits any person from intentionally carrying a firearm, openly or concealed, while on the premises of an alcoholic beverage outlet, which includes any commercial establishment in which alcoholic beverages are sold in individual servings for consumption on the premises, whether or not such sales are a primary or incidental purpose of the business of the establishment.<sup>45</sup>

In addition, Louisiana prohibits any person from introducing or attempting to introduce a firearm into or upon the grounds or buildings of any state-owned hospital.<sup>46</sup>

A 2010 Louisiana law explicitly states that a person who lawfully possesses a firearm *may* possess or transport such firearm within the boundaries of a state park, state historic site, state preservation area, wildlife management area, or wildlife refuge.<sup>47</sup>

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<sup>40</sup> 2008 La. ALS 684 (codified at [La. Rev. Stat. § 32:292.1](#)). See 2009 La. AG LEXIS 330 (opining that federal law does not preempt [La. Rev. Stat. § 32:292.1](#)).

<sup>41</sup> [La. Rev. Stat. §§ 14:95.2, 14:95.6](#).

<sup>42</sup> [La. Rev. Stat. § 14:95.2\(B\)\(1\)](#).

<sup>43</sup> [La. Rev. Stat. § 14:95.2\(C\)\(4\)](#).

<sup>44</sup> [La. Rev. Stat. § 17:416\(C\)\(2\)](#).

<sup>45</sup> [La. Rev. Stat. § 14:95.5](#).

<sup>46</sup> [La. Rev. Stat. § 14:402.1\(A\)](#).

No concealed handgun permit is valid or entitles 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.<sup>48</sup> In addition, no concealed handgun may be carried in any of the following:

- A law enforcement office, station, or building;
- A detention facility, prison, or jail;
- A courthouse or courtroom, provided that a judge may carry such a weapon in his or her own courtroom;
- A polling place;
- A meeting place of the governing authority of a political subdivision;
- The state capitol building;
- 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;
- Any church, synagogue, mosque, or other place of worship (unless, pursuant to a [2010 law](#), the entity that owns or has authority over the church, synagogue, or mosque authorizes it, after informing the congregation, and the concealed handgun permit holder undergoes an additional annual eight-hour tactical training course);
- A parade or demonstration for which a permit is issued by a governmental entity;
- Any portion of the permitted area of an establishment that has been granted a permit to sell alcoholic beverages for consumption on the premises; or
- Any school "firearm-free zone," which generally includes a school campus, any area within 1,000 feet of a school campus, and within a school bus.<sup>49</sup>

These rules do not, however, limit the right of a property owner, lessee, or other lawful custodian to prohibit or restrict access to a person possessing a concealed handgun pursuant to a valid permit. No permittee may carry a concealed handgun into the private residence of another without first receiving the consent of that person.<sup>50</sup>

Louisiana has no statutes prohibiting firearms in sports arenas or gambling facilities, although administrative regulations may apply.

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<sup>47</sup> [2010 La. ALS 790](#) (to be codified as La. Rev. Stat. § 56:1691).

<sup>48</sup> [La. Rev. Stat. § 40:1379.3\(M\)](#).

<sup>49</sup> [La. Rev. Stat. § 40:1379.3\(N\)](#). See also [2010 La. ALS 797](#) (amending La. Rev. Stat. § 18:1461.7(c)(3) to reiterate the prohibition on firearms in polling places).

<sup>50</sup> [La. Rev. Stat. § 40:1379.3\(O\)](#).

## **Consumer & Child Safety**

### **Design Safety Standards for Handguns**

See [Regulating Guns in America: Design Safety Standards for Handguns](#) for a comprehensive discussion of this issue.

Louisiana does not specifically regulate junk guns or unsafe firearms. However, according to research conducted by the Center to Prevent Handgun Violence (now Brady Center to Prevent Gun Violence), Louisiana's Attorney General may have the authority to regulate "junk guns," as well as promulgate other firearm safety standards.<sup>51</sup>

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### **Locking Devices**

Louisiana law does not require a locking device to accompany the sale of a firearm, nor require firearm owners to lock their weapons. See [Regulating Guns in America: Locking Devices](#) for a comprehensive discussion of this issue.

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### **Personalized / Owner-Authorized Firearms**

Louisiana does not require firearms to be personalized. See [Regulating Guns in America: Personalized Firearms](#) for a comprehensive discussion of this issue.

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### **Child Access Prevention**

Louisiana has no law requiring firearm owners to prevent children from gaining access to firearms. See [Regulating Guns in America: Child Access Prevention](#) for a comprehensive discussion of this issue.

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## **Classes of Weapons / Ammunition**

### **Assault Weapons**

Louisiana has no law restricting assault weapons. See [Regulating Guns in America: Assault Weapons](#) for a comprehensive discussion of this issue.

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<sup>51</sup> [La. Rev. Stat. § 51:1405](#). For details, see Legal Action Project, Center to Prevent Handgun Violence, *Targeting Safety* (2001), at <http://www.bradycenter.org/xshare/pdf/reports/targetingsafety.pdf>.

## Large Capacity Ammunition Magazines

Louisiana has no law restricting large capacity magazines. See [Regulating Guns in America: Large Capacity Ammunition Magazines](#) for a comprehensive discussion of this issue.

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## Fifty Caliber Rifles

Louisiana has no law restricting fifty caliber rifles. See [Regulating Guns in America: Fifty Caliber Rifles](#) for a comprehensive discussion of this issue.

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## Machine Guns/Automatic Firearms

Louisiana law prohibits the sale, transport, purchase and possession of a machine gun, with certain exceptions.<sup>52</sup> The law also prohibits any merchant or manufacturer from permitting any machine gun to pass from his or her possession to the possession of any person unless the person falls within one of the exceptions.<sup>53</sup> Every manufacturer or merchant must keep a register of all machine guns manufactured or handled by him, which must include the: 1) date of the sale, loan, gift, delivery, or receipt of any machine gun; 2) name, address, and occupation of the person to whom the machine gun was sold, loaned, given, or delivered, or from whom it was received; and 3) purpose for which the person, to whom the machine gun was sold, loaned, given, or delivered, purchased, or obtained it.<sup>54</sup>

See [LCAV's policy page on Machine Guns](#) for further information.

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<sup>52</sup> Exceptions exist for law enforcement, the military, persons possessing war relics for exhibition in parades, security guards and their employers, merchants keeping machine guns as merchandise, and common carriers. [La. Rev. Stat. § 40:1752](#). "Machine gun" includes "all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device." [La. Rev. Stat. § 40:1751](#).

<sup>53</sup> The law also prohibits any merchant or manufacturer from permitting any machine gun to pass from his or her possession to the possession of any person other than: (a) a manufacturer or a merchant; (b) a common carrier for shipment to a manufacturer or merchant; (c) a duly authorized agent of the government of the U.S. or Louisiana, acting in his official capacity; or (d) a person authorized to purchase a machine gun under the provisions of paragraphs (1) and (4) of Louisiana's Statutes Section 40:1752, if the person presents a written permit to purchase and possess a machine gun, signed by the sheriff of the parish in which the manufacturer or merchant has his place of business or delivers the machine gun. [La. Rev. Stat. § 40:1753](#).

<sup>54</sup> [La. Rev. Stat. § 40:1754](#).

## Non-Powder Guns

Louisiana has no law restricting non-powder guns. See [Regulating Guns in America: Non-Powder Guns](#) for a comprehensive discussion of this issue.

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## Ammunition Regulation

See [Regulating Guns in America: Ammunition Regulation](#) for a comprehensive discussion of this issue.

In 2008, Louisiana enacted a law prohibiting any person from intentionally giving, selling, donating, providing, lending, delivering, or otherwise transferring ammunition to any person known by the offender to have been convicted of a felony and prohibited by Louisiana law from possessing a firearm.<sup>55</sup>

Louisiana law prohibits the import, manufacture, sale, purchase, possession and transfer of armor-piercing bullets.<sup>56</sup> Federal law also restricts armor-piercing bullets, although the definition of that term differs under federal and Louisiana law.<sup>57</sup>

Louisiana does **not**:

- Require a license for the sale of ammunition;
- Require sellers of ammunition to maintain a record of the purchasers; or
- Prohibit persons who are ineligible to possess firearms under state law from possessing ammunition, although the [federal ammunition purchaser prohibitions](#) apply.

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## Crime Gun Investigation

### Microstamping/Ballistic Identification

Louisiana has no law regarding firearm microstamping or ballistic identification. See [Regulating Guns in America: Ballistic Identification](#) for a comprehensive discussion of this issue.

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<sup>55</sup> 2008 La. ALS 622 (codified at [La. Rev. Stat. § 14:95.1.2](#)).

<sup>56</sup> [La. Rev. Stat. § 40:1811](#).

<sup>57</sup> See [La. Rev. Stat. § 40:1810](#).

## Trafficking

Louisiana prohibits intentionally receiving, possessing, carrying, concealing, buying, selling, or transporting any firearm from which the serial number or mark of identification has been obliterated.<sup>58</sup> Louisiana has no other laws addressing firearms trafficking.

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## State Links

[Bureau of Alcohol, Tobacco, Firearms and Explosives, New Orleans Field Division \(AR, LA, MS\)](#)

[State of Louisiana, Office of the Attorney General](#)

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<sup>58</sup> [La. Rev. Stat. § 14:95.7.](#)