



Part 4

Title 55

Chapter 13

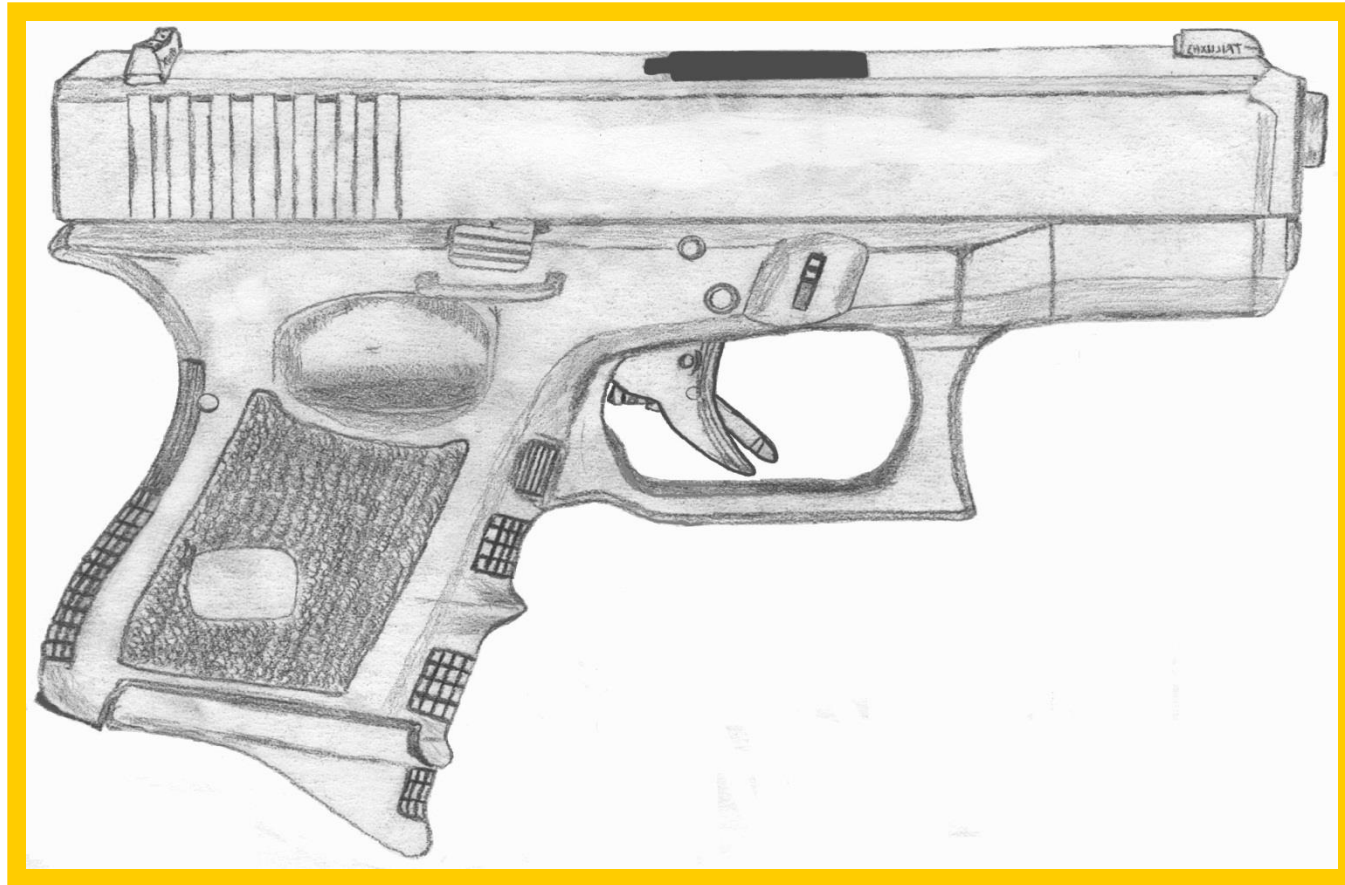
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Use of Deadly Force, Conflict Resolution & Review of Deadly Force Laws

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Use of Deadly Force & Conflict Resolution



Our Motivators for the Day ! ! !

First and Foremost: We should have a strong desire to do the right thing!!!

Our Motivators for the Day ! ! !

First and Foremost: If, based on Louisiana Law, we are the type of citizens that should be ISSUED a gun permit, then we should also have a strong desire to **do the right thing.**

Our Motivators for the Day ! ! !

Second—and even more important, if we have what I will call “a bad shooting,” we are putting ourselves at risk of an indictment, conviction—and imprisonment—and of being sued . . . **And of losing** . . .

Many won't see it like we did . . .

- Third—and just as important, if one of us are forced to use deadly force not only will we face the scrutiny of the Criminal Justice System, we will face the scrutiny of others, as well:
 - The News Media
 - Friends
 - Co-Workers
 - Church Attendees
 - Neighbors
 - Even Family . . .
- They may look at us differently . . .
 - Some may not want to be around us . . .

...

What Can You Do to Avoid
or to Reduce the Chances of
Being Forced to
Engage in a Deadly Force
Situation???

...

Be Aware of Your Surroundings

- Don't walk alone after dark; stay in groups whenever possible
 - Remember—safety in numbers
 - Yes—even if you are carrying . . .



Be Aware of Your Surroundings

- Stay in well lit areas as much as possible
 - Avoid alley ways, vacant lots, wooded areas and other secluded areas.
 - Avoid bushes and other potential hiding places.

Be Aware of Your Surroundings

- If wearing headphones, don't turn up the volume so high that you cannot hear outside noises.
- Do not accept rides from strangers.
- Report suspicious activity to police immediately.
- Avoid displaying large sums of cash or displaying expensive jewelry in public
- Stay alert!



Be Aware of Your Surroundings

- Trust your INSTINCTS!!!
 - If someone or something makes you feel uneasy, avoid that situation or person—LEAVE???

If Someone Tries to Rob You . . .

- Don't resist . . .
 - Don't give up your life. . .
- Report the crime to police
 - Get an accurate description of the attacker.
 - Your actions can help to prevent others from becoming victims
- **SELF DEFENSE MEASURES ARE MOST EFFECTIVE WHEN APPLIED AS PREVENTIVE STEPS—AVOIDING AN INCIDENT TO BEGIN WITH!!!!!!!**

YELL “FIRE!!!”

- One article stated that more people will respond to someone yelling “FIRE!!!” than to someone yelling “HELP!!!”

Safety in Your Vehicle

- Keep Your Doors Locked.
- Be aware when you are stopped at an intersection
- If confronted, RUN A RED LIGHT IF YOU NEED TO, IF YOU CAN DO SO SAFELY!!!
- Get a description of the carjacker

At ATMs

- AGAIN, be aware of your surroundings!!!
 - Look around carefully before conducting a transaction.
 - Cancel your transaction if you see something or someone suspicious and go to another ATM.
- Try to use machines you are familiar with.
 - Try to use terminals located in BANKS—rather than independent terminals . . .
- If you must use an ATM after hours, be sure that it is well-lit. Never walk away from the ATM with cash still in hand.
 - If you are going to count your money, do so at the ATM.
- When making an ATM transaction from your car, be aware of your surroundings.
 - Keep your eyes and ears open—and keep the car doors locked.



Where You Cannot Carry

- The provisions of R.S. 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 this Section. **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.**

Work Policies

- Know what the policy is at your workplace
 - Just because you have a concealed permit in your purse or pocket does not mean that you are allowed to carry in your workplace

Where You Cannot Carry

- **Prohibited Locations**
- R.S. 40:1379.3 (N) states that 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 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 own courtroom;
 - Where voting takes place
 - Any place where the governing authority of a political subdivision meets
 - The State Capitol Building

Where You Cannot Carry

- **Prohibited Locations**

- 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 similar place of worship; See [RS 40:1379.3 \(U\)](#)
- 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 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.
- Any school "firearm free zone" as defined in Louisiana Law

Where You Cannot Carry

- The provisions of R.S. 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 this Section.
- **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.**



**RED
BUTTON**

Observe Body Language



Handling Difficult People/Situations

- Put The Situation in Perspective
- DO NOT Get Defensive
- Do Not Take it Personally
- Suspend YOUR Judgment
- Apologize—Even if you have done nothing wrong!!!
 - “I can see that I must have (said or done) something that upset you.” “I want to apologize.”
 - “I was wrong.”
 - “I shouldn’t have said that.”
 - “I shouldn’t have done that.”

Handling Difficult People/Situations

- “What can I do to help to resolve this issue?”
- “I can see that you are upset, and I understand why.”
- “What can I do to change the way that you feel?”

Handling Difficult People/Situations

- YOU DO NOT WANT TO BE THE AGGRESSOR.
- THE AGGRESSOR CANNOT CLAIM SELF-DEFENSE!!!

Be For REAL !!!



You ARE Creating A PERCEPTION !!!

Be For REAL!!!



If you are dealing with a NUT, it had better be a good one!!!

Preventing Assaults & Reasons to Use Force

- Assaults may occur:
 - At home OR
 - In a public place

Preventing Assaults & Reasons to Use Force

- Assaults may occur between or among:
 - Strangers
 - Friends
 - Acquaintances
 - Loved ones

Preventing Assaults & Reasons to Use Force

- The most serious assaults are “Aggravated Assaults.”
 - These may be Assaults with Intent to Kill . . .
- Less Serious assaults are called “Simple Assaults.”
 - Simple assaults should not be underestimated—these may turn into HOMICIDES.

Preventing Assaults & Reasons to Use Force

- Steps to take to try to ensure that arguments and other situations do not turn deadly:
 - If you are involved in a heated argument that appears to be turning violent, **WALK AWAY**.
 - To do anything else is to demonstrate **POOR JUDGMENT** and can be **PROVOKING TROUBLE**.
 - Remember: The Aggressor Cannot Claim Self Defense!!!

Preventing Assaults & Reasons to Use Force

- **If you are a concealed handgun permit holder, then you are a special class of individual—and have been given a special privilege. You have had special training.**
 - Based on this, should be especially cautious—and should use a higher degree of cautious judgment than your average citizen would use in a potentially dangerous situation.
 - You should be better equipped to “defuse” violent or potentially violent situations than most people.
 - You should have a more “cool” temper and more “reflective” judgment than most people.

Preventing Assaults & Reasons to Use Force

- **A handgun should be removed from a holster only as a last resort TO STOP A THREAT.**

Preventing Assaults & Reasons to Use Force

- **If you see an assault in progress, call 911 immediately.**
 - **Give them information as requested.**

Preventing Assaults & Reasons to Use Force

- **DO NOT JUMP INTO A FRAY:**
 - *Unless it is a last resort to prevent more serious injury*
AND
 - *you are physically able to do so without hurting yourself—or without getting yourself hurt.*

Preventing Assaults & Reasons to Use Force

- *You may use whatever force is reasonable, under Louisiana Law to stop someone else—including a law enforcement officer from getting hurt, especially from becoming fatally wounded.*
 - *Remember: you put yourself at risk in doing so.*
 - *Keep your physical abilities in mind when assisting others.*
 - *Be sure that any force that you use is **REASONABLE**.*
 - *You are responsible for the force that you use and no one else!!!*

Five Grades of Criminal Homicide

- **5 Grades**
 - 1st
 - 2nd
 - Manslaughter
 - Negligent Homicide
 - Vehicular Homicide



- §8. Criminal conduct
- Criminal conduct consists of:
- (1) An act or a failure to act that produces criminal consequences, and which is combined with criminal intent; or
- (2) A mere act or failure to act that produces criminal consequences, where there is no requirement of criminal intent; or
- (3) Criminal negligence that produces criminal consequences.

- §12. Criminal negligence
- Criminal negligence exists when, although neither specific nor general criminal intent is present, there is such disregard of the interest of others that the offender's conduct amounts to a gross deviation below the standard of care expected to be maintained by a reasonably careful man under like circumstances.

5 Grades of Criminal Homicide in LA

- PART II. OFFENSES AGAINST THE PERSON
- SUBPART A. HOMICIDE
- §29. Homicide
 - Homicide is the killing of a human being by the act, procurement, or culpable omission of another.
- Criminal homicide is of five grades:
 - (1) First degree murder.
 - (2) Second degree murder.
 - (3) Manslaughter.
 - (4) Negligent homicide.
 - (5) Vehicular homicide.
 - Amended by Acts 1973, No. 110, §1; Acts 1978, No. 393, §1; Acts 1983, No. 635, §1.

Which Ones Do Concealed Carriers Need to Be Concerned With???

- All Except for Vehicular Homicide . . .

First Degree Murder

- §30. First degree murder
- A. First degree murder is the killing of a human being:
 - (1) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in the perpetration or attempted perpetration of aggravated kidnapping, second degree kidnapping, aggravated escape, aggravated arson, aggravated rape, forcible rape, aggravated burglary, armed robbery, assault by drive-by shooting, first degree robbery, second degree robbery, simple robbery, terrorism, cruelty to juveniles, or second degree cruelty to juveniles.
 - (2) When the offender has a specific intent to kill or to inflict great bodily harm upon a fireman, peace officer, or civilian employee of the Louisiana State Police Crime Laboratory or any other forensic laboratory engaged in the performance of his lawful duties, or when the specific intent to kill or to inflict great bodily harm is directly related to the victim's status as a fireman, peace officer, or civilian employee.

- (3) When the offender has a specific intent to kill or to inflict great bodily harm upon more than one person.
- (4) When the offender has specific intent to kill or inflict great bodily harm and has offered, has been offered, has given, or has received anything of value for the killing.
- (5) When the offender has the specific intent to kill or to inflict great bodily harm upon a victim who is under the age of twelve or sixty-five years of age or older.
- (6) When the offender has the specific intent to kill or to inflict great bodily harm while engaged in the distribution, exchange, sale, or purchase, or any attempt thereof, of a controlled dangerous substance listed in Schedules I, II, III, IV, or V of the Uniform Controlled Dangerous Substances Law.

- (7) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in the activities prohibited by R.S. 14:107.1(C)(1).
- (8) When the offender has specific intent to kill or to inflict great bodily harm and there has been issued by a judge or magistrate any lawful order prohibiting contact between the offender and the victim in response to threats of physical violence or harm which was served on the offender and is in effect at the time of the homicide.
- (9) When the offender has specific intent to kill or to inflict great bodily harm upon a victim who was a witness to a crime or was a member of the immediate family of a witness to a crime committed on a prior occasion and:
 - (a) The killing was committed for the purpose of preventing or influencing the victim's testimony in any criminal action or proceeding whether or not such action or proceeding had been commenced; or
 - (b) The killing was committed for the purpose of exacting retribution for the victim's prior testimony.

- (10) When the offender has a specific intent to kill or to inflict great bodily harm upon a taxicab driver who is in the course and scope of his employment. For purposes of this Paragraph, "taxicab" means a motor vehicle for hire, carrying six passengers or less, including the driver thereof, that is subject to call from a garage, office, taxi stand, or otherwise.

- (11) When the offender has a specific intent to kill or inflict great bodily harm and the offender has previously acted with a specific intent to kill or inflict great bodily harm that resulted in the killing of one or more persons.
 - B.(1) For the purposes of Paragraph (A)(2) of this Section, the term "peace officer" means any peace officer, as defined in R.S. 40:2402, and includes any constable, marshal, deputy marshal, sheriff, deputy sheriff, local or state policeman, commissioned wildlife enforcement agent, federal law enforcement officer, jail or prison guard, parole officer, probation officer, judge, attorney general, assistant attorney general, attorney general's investigator, district attorney, assistant district attorney, or district attorney's investigator.
 - (2) For the purposes of Paragraph (A)(9) of this Section, the term "member of the immediate family" means a husband, wife, father, mother, daughter, son, brother, sister, stepparent, grandparent, stepchild, or grandchild.
 - (3) For the purposes of Paragraph (A)(9) of this Section, the term "witness" means any person who has testified or is expected to testify for the prosecution, or who, by reason of having relevant information, is subject to call or likely to be called as a witness for the prosecution, whether or not any action or proceeding has yet commenced.

C. Penalty provisions.

- (1) If the district attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, in accordance with the determination of the jury. The provisions of C.Cr.P. Art 782 relative to cases in which punishment may be capital shall apply.
- (2) If the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation or suspension of sentence. The provisions of C.Cr.P. Art 782 relative to cases in which punishment is necessarily confinement at hard labor shall apply

Second Degree Murder

- §30.1. Second degree murder
- A. Second degree murder is the killing of a human being:
 - (1) When the offender has a specific intent to kill or to inflict great bodily harm; or
 - (2) When the offender is engaged in the perpetration or attempted perpetration of aggravated rape, forcible rape, aggravated arson, aggravated burglary, aggravated kidnapping, second degree kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to inflict great bodily harm.
 - (3) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law*, or any combination thereof, which is the direct cause of the death of the recipient who ingested or consumed the controlled dangerous substance.

- (4) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law*, or any combination thereof, to another who subsequently distributes or dispenses such controlled dangerous substance which is the direct cause of the death of the person who ingested or consumed the controlled dangerous substance.
- B. Whoever commits the crime of second degree murder shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.
- Added by Acts 1973, No. 111, §1. Amended by Acts 1975, No. 380, §1; Acts 1976, No. 657, §2; Acts 1977, No. 121, §1; Acts 1978, No. 796, §1; Acts 1979, No. 74, §1, eff. June 29, 1979; Acts 1987, No. 465, §1; Acts 1987, No. 653, §1; Acts 1993, No. 496, §1; Acts 1997, No. 563, §1; Acts 1997, No. 899, §1; Acts 2006, No. 53, §1; Acts 2008, No. 451, §2, eff. June 25, 2008; Acts 2009, No. 155, §1.
- *NOTE: R.S. 40:961 et seq.

Manslaughter

- §31. Manslaughter
- A. Manslaughter is:
 - (1) A homicide which would be murder under either Article 30 (first degree murder) or Article 30.1 (second degree murder), but the offense is committed in sudden passion or heat of blood immediately caused by provocation sufficient to deprive an average person of his self-control and cool reflection. Provocation shall not reduce a homicide to manslaughter if the jury finds that the offender's blood had actually cooled, or that an average person's blood would have cooled, at the time the offense was committed; or

- (2) A homicide committed, without any intent to cause death or great bodily harm.
- (a) When the offender is engaged in the perpetration or attempted perpetration of any felony not enumerated in Article 30 or 30.1, or of any intentional misdemeanor directly affecting the person; or
- (b) When the offender is resisting lawful arrest by means, or in a manner, not inherently dangerous, and the circumstances are such that the killing would not be murder under Article 30 or 30.1.
- B. Whoever commits manslaughter shall be imprisoned at hard labor for not more than forty years. However, if the victim killed was under the age of ten years, the offender shall be imprisoned at hard labor, without benefit of probation or suspension of sentence, for not less than ten years nor more than forty years.
- Amended by Acts 1973, No. 127, §1; Acts 1991, No. 864, §1; Acts 1992, No. 306, §1; Acts 1994, 3rd Ex. Sess., No. 115, §1; Acts 2008, No. 10, §1.

Negligent Homicide

- §32. Negligent homicide
- A. Negligent homicide is either of the following:
 - (1) The killing of a human being by criminal negligence.
 - (2) The killing of a human being by a dog or other animal when the owner is reckless and criminally negligent in confining or restraining the dog or other animal.
 - B. The violation of a statute or ordinance shall be considered only as presumptive evidence of such negligence.
 - C.(1) Except as provided for in Paragraph (2) of this Subsection, whoever commits the crime of negligent homicide shall be imprisoned with or without hard labor for not more than five years, fined not more than five thousand dollars, or both.
 - (2)(a) If the victim killed was under the age of ten years, the offender shall be imprisoned at hard labor, without benefit of probation, parole, or suspension of sentence, for not less than two nor more than five years.
 - (b) If the court does not order the offender to a term of imprisonment when the following two factors are established, the court shall state, both orally and in writing at the time of sentencing, the reasons for not sentencing the offender to a term of imprisonment:
 - (i) The fatality was caused by a person engaged in the operation of, or in actual physical control of, any motor vehicle, aircraft, watercraft, or other means of conveyance; and
 - (ii) The offender's blood alcohol concentration contributed to the fatality.

- (3) If the victim was killed by a dog or other animal, the owner of the dog or other animal shall be imprisoned with or without hard labor for not more than five years or fined not more than five thousand dollars, or both.
- D. The provisions of this Section shall not apply to:
 - (1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.
 - (2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.
 - (3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually handicapped person, deaf person, hearing impaired person, or otherwise physically disabled person who is using the dog as a guide or for service.

- (4) Any attack made by a dog lawfully inside a dwelling, a place of business, or a motor vehicle as defined in R.S. 32:1(40), against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle, and the dog is protecting that property.
- (5) Any attack made by livestock as defined in this Section

Witness

- If you are involved in a shooting, ensure that you do all that you can to keep witnesses present until police arrive.
 - Witnesses can help to keep you out of prison.

Cooperate with Law Enforcement

- If you are forced to shoot, when the threat is stopped, re-holster your gun or put it out of sight before police arrive SO THAT THEY DO NOT PERCEIVE YOU AS A THREAT.
- Place your hands up and let them know that you are not going to hurt anyone.
- Tell them this, “I have a concealed weapon permit.” My weapon is in a holster on my right side.”—or “in my purse.”

- Cooperate with Law Enforcement.
 - Tell them, “He approached me with that knife (point it out) and was drawing his arm backwards as if he was going to stab me.”
 - “He was drawing a handgun out of his waist band.”
 - “I feared for my life.”
 - “He was going to shoot me.”
 - “He was going to stab me.”
 - “He fired three shots.”
 - “This man saw everything that happened.”
 - Point out the witness to police.
- Articulate what occurred

After a Shooting . . .

- <http://www.youtube.com/watch?v=Ycrh8g3hPR4>

R.S. 14:18 Justification

- §18. Justification; general provisions
- The fact that an offender's conduct is justifiable, although otherwise criminal, shall constitute a defense to prosecution for any crime based on that conduct. This defense of justification can be claimed under the following circumstances:
- (1) When the offender's conduct is an apparently authorized and reasonable fulfillment of any duties of public office; or
- (2) When the offender's conduct is a reasonable accomplishment of an arrest which is lawful under the Code of Criminal Procedure; or
- (3) When for any reason the offender's conduct is authorized by law; or

- (4) When the offender's conduct is reasonable discipline of minors by their parents, tutors or teachers; or
- (5) When the crime consists of a failure to perform an affirmative duty and the failure to perform is caused by physical impossibility; or
- (6) When any crime, except murder, is committed through the compulsion of threats by another of death or great bodily harm, and the offender reasonably believes the person making the threats is present and would immediately carry out the threats if the crime were not committed; or
- (7) When the offender's conduct is in defense of persons or of property under any of the circumstances described in Articles 19 through 22.

R.S. 14:19 Use of Force or Violence in Defense

- §19. Use of force or violence in defense
- A. The use of force or violence upon the person of another is justifiable when committed for the purpose of preventing a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession, provided that the force or violence used must be reasonable and apparently necessary to prevent such offense, and that this Section shall not apply where the force or violence results in a homicide.
- B. For the purposes of this Section, there shall be a presumption that a person lawfully inside a dwelling, place of business, or motor vehicle held a reasonable belief that the use of force or violence was necessary to prevent unlawful entry thereto, or to compel an unlawful intruder to leave the premises or motor vehicle, if both of the following occur:
 - (1) The person against whom the force or violence was used was in the process of unlawfully and forcibly entering or had unlawfully and forcibly entered the dwelling, place of business, or motor vehicle.
 - (2) The person who used force or violence knew or had reason to believe that an unlawful and forcible entry was occurring or had occurred.

- C. A person who is not engaged in unlawful activity and who is in a place where he or she has a right to be shall have no duty to retreat before using force or violence as provided for in this Section and may stand his or her ground and meet force with force.
- D. No finder of fact shall be permitted to consider the possibility of retreat as a factor in determining whether or not the person who used force or violence in defense of his person or property had a reasonable belief that force or violence was reasonable and apparently necessary to prevent a forcible offense or to prevent the unlawful entry.
- Acts 2006, No. 141, §1.

R.S. 14:20 Justifiable Homicide

- §20. Justifiable homicide
- A. A homicide is justifiable:
 - (1) When committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger.
 - (2) When committed for the purpose of preventing a violent or forcible felony involving danger to life or of great bodily harm by one who reasonably believes that such an offense is about to be committed and that such action is necessary for its prevention. The circumstances must be sufficient to excite the fear of a reasonable person that there would be serious danger to his own life or person if he attempted to prevent the felony without the killing.
 - (3) When committed against a person whom one reasonably believes to be likely to use any unlawful force against a person present in a dwelling or a place of business, or when committed against a person whom one reasonably believes is attempting to use any unlawful force against a person present in a motor vehicle as defined in R.S. 32:1(40), while committing or attempting to commit a burglary or robbery of such dwelling, business, or motor vehicle.
- Acts 2006, No. 141, §1.

- (4)(a) When committed by a person lawfully inside a dwelling, a place of business, or a motor vehicle as defined in R.S. 32:1(40), against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle, and the person committing the homicide reasonably believes that the use of deadly force is necessary to prevent the entry or to compel the intruder to leave the premises or motor vehicle.
- (b) The provisions of this Paragraph shall not apply when the person committing the homicide is engaged, at the time of the homicide, in the acquisition of, the distribution of, or possession of, with intent to distribute a controlled dangerous substance in violation of the provisions of the Uniform Controlled Dangerous Substances Law.
- B. For the purposes of this Section, there shall be a presumption that a person lawfully inside a dwelling, place of business, or motor vehicle held a reasonable belief that the use of deadly force was necessary to prevent unlawful entry thereto, or to compel an unlawful intruder to leave the premises or motor vehicle, if both of the following occur:
 - (1) The person against whom deadly force was used was in the process of unlawfully and forcibly entering or had unlawfully and forcibly entered the dwelling, place of business, or motor vehicle.
 - (2) The person who used deadly force knew or had reason to believe that an unlawful and forcible entry was occurring or had occurred.

- C. A person who is not engaged in unlawful activity and who is in a place where he or she has a right to be shall have no duty to retreat before using deadly force as provided for in this Section, and may stand his or her ground and meet force with force.
- D. No finder of fact shall be permitted to consider the possibility of retreat as a factor in determining whether or not the person who used deadly force had a reasonable belief that deadly force was reasonable and apparently necessary to prevent a violent or forcible felony involving life or great bodily harm or to prevent the unlawful entry.
- Added by Acts 1976, No. 655, §1. Amended by Acts 1977, No. 392, §1; Acts 1983, No. 234, §1; Acts 1993, No. 516, §1; Acts 1997, No. 1378, §1; Acts 2003, No. 660, §1; Acts 2006, No. 141, §1.

R.S. 14:20.1 Investigation (Self Defense)

- §20.1. Investigation of death due to violence or suspicious circumstances when claim of self-defense is raised
 - Whenever a death results from violence or under suspicious circumstances and a claim of self-defense is raised, the appropriate law enforcement agency and coroner shall expeditiously conduct a full investigation of the death. All evidence of such investigation shall be preserved.
 - Acts 2012, No. 690, §1, eff. June 7, 2012.

R.S. 14:21 Aggressor Cannot Claim Self Defense

- §21. Aggressor cannot claim self defense
- A person who is the aggressor or who brings on a difficulty cannot claim the right of self-defense unless he withdraws from the conflict in good faith and in such a manner that his adversary knows or should know that he desires to withdraw and discontinue the conflict.

R.S. 14:22 Defense of Others

- §22. Defense of others
- It is justifiable to use force or violence or to kill in the defense of another person when it is reasonably apparent that the person attacked could have justifiably used such means himself, and when it is reasonably believed that such intervention is necessary to protect the other person.

R.S. 14:24 Negligent Injuring

- §39. Negligent injuring
- A. Negligent injuring is either of the following:
 - (1) The inflicting of any injury upon the person of another by criminal negligence.
 - (2) The inflicting of any injury upon the person of another by a dog or other animal when the owner of the dog or other animal is reckless and criminally negligent in confining or restraining the dog or other animal.
- B. The violation of a statute or ordinance shall be considered only as presumptive evidence of such negligence.
- C. Whoever commits the crime of negligent injuring shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.
- D. The provisions of this Section shall not apply to:
 - (1) Any dog which is owned, or the service of which is employed, by any state or local law enforcement agency for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.
 - (2) Any dog trained in accordance with the standards of a national or regional search and rescue association to respond to instructions from its handler in the search and rescue of lost or missing individuals and which dog, together with its handler, is prepared to render search and rescue services at the request of law enforcement.

- (3) Any guide or service dog trained at a qualified dog guide or service school who is accompanying any blind person, visually handicapped person, deaf person, hearing impaired person, or otherwise physically disabled person who is using the dog as a guide or for service.
- (4) Any attack made by a dog lawfully inside a dwelling, a place of business, or a motor vehicle as defined in R.S. 32:1(40), against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle and the dog is protecting that property.
- (5) Any attack made by livestock as defined in this Section.

R.S. 14:33 Battery Defined

- SUBPART B. ASSAULT AND BATTERY
- (WITH RELATED OFFENSES)
- §33. Battery defined
- Battery is the intentional use of force or violence upon the person of another; or the intentional administration of a poison or other noxious liquid or substance to another.
- Acts 1978, No. 394, §1.

R.S. 14:34 Aggravated Battery

- §34. Aggravated battery
- A. Aggravated battery is a battery committed with a dangerous weapon.
- B. Whoever commits an aggravated battery shall be fined not more than five thousand dollars, imprisoned with or without hard labor for not more than ten years, or both. At least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence if the offender knew or should have known that the victim is an active member of the United States Armed Forces or is a disabled veteran and the aggravated battery was committed because of that status.
- C. For purposes of this Section, the following words shall have the following meanings:
 - (1) "Active member of the United States Armed Forces" shall mean an active member of the United States Army, the United States Marine Corps, the United States Navy, the United States Air Force, the United States Coast Guard, or the National Guard.
 - (2) "Disabled veteran" shall mean a veteran member of the United States Army, the United States Marine Corps, the United States Navy, the United States Air Force, the United States Coast Guard, or the National Guard who is disabled as determined by the United States Department of Veteran Affairs.
- Acts 1978, No. 394, §1. Amended by Acts 1980, No. 708, §1; Acts 2012, No. 40, §1.

R.S. 14:36 Assault Defined

- §36. Assault defined
- Assault is an attempt to commit a battery, or the intentional placing of another in reasonable apprehension of receiving a battery.
- Acts 1978, No. 394, §1.

R.S. 14:37 Aggravated Assault

- §37. Aggravated assault
- A. Aggravated assault is an assault committed with a dangerous weapon.
- B. Whoever commits an aggravated assault shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.
- C. If the offense is committed upon a store's or merchant's employee while the offender is engaged in the perpetration or attempted perpetration of theft of goods, the offender shall be imprisoned for not less than one hundred twenty days without benefit of suspension of sentence nor more than six months and may be fined not more than one thousand dollars.
- Acts 1978, No. 394, §1; Acts 1992, No. 985, §1.

R.S. 14:37.4 Aggravated Assault with a Firearm

- §37.4. Aggravated assault with a firearm
- A. Aggravated assault with a firearm is an assault committed with a firearm.
- B. For the purposes of this Section, "firearm" is defined as an instrument used in the propulsion of shot, shell, or bullets by the action of gunpowder exploded within it.
- C. Whoever commits an aggravated assault with a firearm shall be fined not more than ten thousand dollars or imprisoned for not more than ten years, with or without hard labor, or both.
- Acts 2001, No. 309, §1; Acts 2003, No. 239, §1; Acts 2012, No. 320, §1, eff. May 25, 2012.

R.S. 14:94 Illegal Use of Weapons or Dangerous Instrumentalities

- Illegal use of weapons or dangerous instrumentalities is the intentional or criminally negligent discharging of any firearm, or the throwing, placing, or other use of any article, liquid, or substance, where it is foreseeable that it may result in death or great bodily harm to a human being.

- §95. Illegal carrying of weapons
- A. Illegal carrying of weapons is:
 - (1) The intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person; or
 - (2) The ownership, possession, custody or use of any firearm, or other instrumentality customarily used as a dangerous weapon, at any time by an enemy alien; or
 - (3) The ownership, possession, custody or use of any tools, or dynamite, or nitroglycerine, or explosives, or other instrumentality customarily used by thieves or burglars at any time by any person with the intent to commit a crime; or

R.S. 14:95 Illegal Carrying of Weapons

- (4)(a) The manufacture, ownership, possession, custody or use of any switchblade knife, spring knife or other knife or similar instrument having a blade which may be automatically unfolded or extended from a handle by the manipulation of a button, switch, latch or similar contrivance located on the handle.
- (b) The provisions of this Paragraph shall not apply to the following:
 - (i) Any knife that may be opened with one hand by manual pressure applied to the blade or any projection of the blade.
 - (ii) Any knife that may be opened by means of inertia produced by the hand, wrist, or other movement, provided the knife has either a detent or other structure that provides resistance that shall be overcome in opening or initiating the opening movement of the blade or a bias or spring load toward the closed position.
- (5)(a) The intentional possession or use by any person of a dangerous weapon on a school campus during regular school hours or on a school bus. "School" means any elementary, secondary, high school, or vo-tech school in this state and "campus" means all facilities and property within the boundary of the school property. "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.

- (b) The provisions of this Paragraph shall not apply to:
 - (i) A peace officer as defined by R.S. 14:30(B) in the performance of his official duties.
 - (ii) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
 - (iii) Any person having the written permission of the principal or school board and engaged in competition or in marksmanship or safety instruction.
- B.(1) Whoever commits the crime of illegal carrying of weapons shall be fined not more than five hundred dollars, or imprisoned for not more than six months, or both.
- (2) Whoever commits the crime of illegal carrying of weapons with any firearm used in the commission of a crime of violence as defined in R.S. 14:2(B), shall be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not less than one year nor more than two years, or both. Any sentence issued pursuant to the provisions of this Paragraph and any sentence issued pursuant to a violation of a crime of violence as defined in R.S. 14:2(B) shall be served consecutively.
- C. On a second conviction, the offender shall be imprisoned with or without hard labor for not more than five years.
- D. On third and subsequent convictions, the offender shall be imprisoned with or without hard labor for not more than ten years without benefit of parole, probation, or suspension of sentence.

- E. If the offender uses, possesses, or has under his immediate control any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, while committing or attempting to commit a crime of violence or while in the possession of or during the sale or distribution of a controlled dangerous substance, the offender shall be fined not more than ten thousand dollars and imprisoned at hard labor for not less than five nor more than ten years without the benefit of probation, parole, or suspension of sentence. Upon a second or subsequent conviction, the offender shall be imprisoned at hard labor for not less than twenty years nor more than thirty years without the benefit of probation, parole, or suspension of sentence.
- F.(1) For purposes of determining whether a defendant has a prior conviction for a violation of this Section, a conviction pursuant to this Section or a conviction pursuant to an ordinance of a local governmental subdivision of this state which contains the elements provided for in Subsection A of this Section shall constitute a prior conviction.
- (2) The enhanced penalty upon second, third, and subsequent convictions shall not be applicable in cases where more than five years have elapsed since the expiration of the maximum sentence, or sentences, of the previous conviction or convictions, and the time of the commission of the last offense for which he has been convicted; the sentence to be imposed in such event shall be the same as may be imposed upon a first conviction.

- (3) Any ordinance that prohibits the unlawful carrying of firearms enacted by a municipality, town, or similar political subdivision or governing authority of this state shall be subject to the provisions of R.S. 40:1796.
- G.(1) The provisions of this Section except Paragraph (4) of Subsection A 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.
- (2) The provisions of this Section except Paragraph (4) of Subsection A 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.
- (3)(a) The provisions of this Section except Paragraph (4) of Subsection A 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.

- (b) For the purposes of this Paragraph, a reserve or auxiliary municipal police officer shall be defined as a volunteer, non-regular, 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.

- H. 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, constables, coroners, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, and justices of the peace from possessing and concealing a handgun on their person when the justice or judge, constable, coroner, district attorneys and designated assistant district attorneys, United States attorneys and assistant United States attorneys and investigators, or justices of the peace are certified by the Council on Peace Officer Standards and Training.
- I. The provisions of this Section shall not prohibit the carrying of a concealed handgun by a person who is a college or university police officer under the provisions of R.S. 17:1805 and who is carrying a concealed handgun in accordance with the provisions of that statute.
- J. The provisions of this Section shall not prohibit the ownership of rescue knives by commissioned full-time law enforcement officers. The provisions of this Section shall not prohibit the carrying of rescue knives by commissioned full-time law enforcement officers who are in the actual discharge of their official duties. The provisions of this Section shall not prohibit the sale of rescue knives to commissioned full-time law enforcement officers. The provisions of this Section shall not prohibit the ownership or possession of rescue knives by merchants who own or possess the knives solely as inventory to be offered for sale to commissioned full-time law enforcement officers. As used in this Subsection, a "rescue knife" is a folding knife, which can be readily and easily opened with one hand and which has at least one blade which is designed to be used to free individuals who are trapped by automobile seat belts, or at least one blade which is designed for a similar purpose. No blade of a rescue knife shall exceed five inches in length.

- 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, and city courts from possessing and concealing a handgun on their person provided that such retired justice or judge is certified by the Council on Peace Officer Standards and Training and has on their person valid identification showing proof of their status as a retired justice or judge.
- (2) The retired justice or judge shall be qualified annually in the use of firearms by the Council on Peace Officer Standards and Training and have proof of such certification. However, this Subsection shall not apply to a retired justice or judge who is medically retired based upon any mental impairment.

R.S. 14:95.1 Possession of Firearm or Carrying Concealed Weapon by a Person Convicted of Certain Felonies

- §95.1. Possession of firearm or carrying concealed weapon by a person convicted of certain felonies
- A. It is unlawful for any person who has been convicted of a crime of violence as defined in R.S. 14:2(B) which is a felony or simple burglary, burglary of a pharmacy, burglary of an inhabited dwelling, 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, or possession of a firearm while in the possession of or during the sale or distribution of a controlled dangerous substance, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony, or any crime which is defined as a sex offense in R.S. 15:541, or any crime defined as an attempt to commit one of the above-enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above-enumerated crimes, to possess a firearm or carry a concealed weapon.
- B. Whoever is found guilty of violating the provisions of this Section shall be imprisoned at hard labor for not less than ten nor more than twenty years without the benefit of probation, parole, or suspension of sentence and be fined not less than one thousand dollars nor more than five thousand dollars. Notwithstanding the provisions of R.S. 14:27, whoever is found guilty of attempting to violate the provisions of this Section shall be imprisoned at hard labor for not more than seven and one-half years and fined not less than five hundred dollars nor more than two thousand five hundred dollars.

- C. The provisions of this Section prohibiting the possession of firearms and carrying concealed weapons by persons who have been convicted of certain felonies shall not apply to any person who has not been convicted of any felony for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.
- D. For the purposes of this Section, "firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.

R.S. 14:95.1.1 Illegally Supplying a Felon with a Firearm

- §95.1.1. Illegally supplying a felon with a firearm
- A. Illegally supplying a felon with a firearm is the intentional giving, selling, donating, providing, lending, delivering, or otherwise transferring a firearm to any person known by the offender to be a person convicted of a felony and prohibited from possessing a firearm as provided for in R.S. 14:95.1.
- B. Whoever commits the crime of illegally supplying a felon with a firearm shall be imprisoned for not more than five years and may be fined not less than one thousand dollars nor more than five thousand dollars. At least one year of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence.

R.S. 14:95.2 Carrying a Firearm, or Dangerous Weapon, by a Student or Nonstudent on School Property, at School-Sponsored Functions or Firearm-Free Zone

- §95.2. Carrying a firearm, or dangerous weapon, by a student or nonstudent on school property, at school-sponsored functions or firearm-free zone
- A. Carrying a firearm, or dangerous weapon as defined in R.S. 14:2, by a student or nonstudent on school property, at a school sponsored function, or in a firearm-free zone is unlawful and shall be defined as possession of any firearm or dangerous weapon, on one's person, at any time while on a school campus, on school transportation, or at any school sponsored function in a specific designated area including but not limited to athletic competitions, dances, parties, or any extracurricular activities, or within one thousand feet of any school campus.
- B. For purposes of this Section, the following words have the following meanings:
 - (1) "School" means any elementary, secondary, high school, vocational-technical school, college, or university in this state.
 - (2) "Campus" means all facilities and property within the boundary of the school property.
 - (3) "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.
 - (4) "Nonstudent" means any person not registered and enrolled in that school or a suspended student who does not have permission to be on the school campus.

- C. The provisions of this Section shall not apply to:
 - (1) A federal, state, or local law enforcement officer in the performance of his official duties.
 - (2) A school official or employee acting during the normal course of his employment or a student acting under the direction of such school official or employee.
 - (3) Any person having the written permission of the principal.
 - (4) The possession of a firearm occurring within one thousand feet of school property and entirely on private property, or entirely within a private residence, or in accordance with a concealed handgun permit issued pursuant to R.S. 40:1379.1 or R.S. 40:1379.3.
 - (5) Any constitutionally protected activity which cannot be regulated by the state, such as a firearm contained entirely within a motor vehicle.
 - (6) Any student carrying a firearm to or from a class, in which he is duly enrolled, that requires the use of the firearm in the class.
 - (7) A student enrolled or participating in an activity requiring the use of a firearm including but not limited to any ROTC function under the authorization of a university.

- (8) 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.
- D.(1) Whoever commits the crime of carrying a firearm, or a dangerous weapon as defined in R.S. 14:2, by a student or nonstudent on school property, at a school-sponsored function, or in a firearm-free zone shall be imprisoned at hard labor for not more than five years.
- (2) Whoever commits the crime of carrying a firearm, or a dangerous weapon as defined in R.S. 14:2, on school property or in a firearm-free zone with the firearm or dangerous weapon being used in the commission of a crime of violence as defined in R.S. 14:2(B) on school property or in a firearm-free zone, shall be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not less than one year nor more than five years, or both. Any sentence issued pursuant to the provisions of this Paragraph and any sentence issued pursuant to a violation of a crime of violence as defined in R.S. 14:2(B) shall be served consecutively. Upon commitment to the Department of Public Safety and Corrections after conviction for a crime committed on school property, at a school-sponsored function or in a firearm-free zone, the department shall have the offender evaluated through appropriate examinations or tests conducted under the supervision of the department. Such evaluation shall be made within thirty days of the order of commitment.
- E. Lack of knowledge that the prohibited act occurred on or within one thousand feet of school property shall not be a defense.

- F.(1) School officials shall notify all students and parents of the impact of this legislation and shall post notices of the impact of this Section at each major point of entry to the school. These notices shall be maintained as permanent notices.
- (2)(a) If a student is detained by the principal or other school official for violation of this Section or the school principal or other school official confiscates or seizes a firearm or concealed weapon from a student while upon school property, at a school function, or on a school bus, the principal or other school official in charge at the time of the detention or seizure shall immediately report the detention or seizure to the police department or sheriff's department where the school is located and shall deliver any firearm or weapon seized to that agency.
- (b) The confiscated weapon shall be disposed of or destroyed as provided by law.
- (3) If a student is detained pursuant to Paragraph (2) of this Subsection for carrying a concealed weapon on campus, the principal shall immediately notify the student's parents.
- (4) If a person is arrested for carrying a concealed weapon on campus by a university or college police officer, the weapon shall be given to the sheriff, chief of police, or other officer to whom custody of the arrested person is transferred as provided by R.S. 17:1805(B).

- G. Any principal or school official in charge who fails to report the detention of a student or the seizure of a firearm or concealed weapon to a law enforcement agency as required by Paragraph (F)(2) of this Section within seventy-two hours of notice of the detention or seizure may be issued a misdemeanor summons for a violation hereof and may be fined not more than five hundred dollars or sentenced to not more than forty hours of community service, or both. Upon successful completion of the community service or payment of the fine, or both, the arrest and conviction shall be set aside as provided for in Code of Criminal Procedure Article 894(B).

R.S. 14:95.2.1 Illegal Carrying of a firearm at a Parade with any Firearm Used in the Commission of a Crime of Violence

- §95.2.1. Illegal carrying of a firearm at a parade with any firearm used in the commission of a crime of violence
- A. Whoever commits the crime of illegal carrying of weapons pursuant to R.S. 14:95 with any firearm used in the commission of a crime of violence as defined in R.S. 14:2(B), within one thousand feet of any parade or demonstration for which a permit is issued by a governmental entity, shall be fined not more than two thousand dollars, or imprisoned, with or without hard labor, for not less than one year nor more than five years, or both. Any sentence issued pursuant to the provisions of this Subsection and any sentence issued pursuant to a violation of a crime of violence as defined in R.S. 14:2(B) shall be served consecutively.
- B. As used in this Section, the following words mean:
 - (1) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, or assault rifle, which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.
 - (2) "Parade" for the purposes of this Section shall be defined as any celebration of Mardi Gras or directly related pre-Lenten or carnival related festivities, school parades, parish parades, state parades or municipal parades, or any demonstration for which a permit is issued by a governmental entity.
 - (3) "Parade route" means any public sidewalk, street, highway, bridge, alley, road, or other public passageway upon which a parade travels.
- C. Lack of knowledge that the prohibited act occurred on or within one thousand feet of the parade route shall not be a defense.

R.S. 14:95.2.2 Reckless Discharge of a Firearm at a Parade or Demonstration

- 95.2.2. Reckless discharge of a firearm at a parade or demonstration
- A. Reckless discharge of a firearm at a parade or demonstration is the reckless or criminally negligent discharge of a firearm within one thousand feet of any parade, demonstration, or gathering for which a permit is issued by a governmental entity.
- B. For the purposes of this Section:
 - (1) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun, submachine gun, excluding black powder weapons, or assault rifle which is designed to fire or is capable of firing fixed cartridge ammunition or from which a shot or projectile is discharged by an explosive.
 - (2) "Parade" for the purposes of this Section shall be defined as any celebration of Mardi Gras or directly related pre-Lenten or carnival-related festivities, school parades, parish parades, state parades, or municipal parades, or any demonstration or gathering for which a permit is issued by a governmental entity.

- (3) "Reckless or criminally negligent" means that although neither specific nor general criminal intent is present, there is such disregard of the interest of others that the offender's conduct amounts to a gross deviation below the standard of care expected to be maintained by a reasonably careful man under like circumstances.
- C. The provisions of this Section shall not apply to:
 - (1) A federal, state, or local law enforcement officer in the performance of his official duties.
 - (2) The possession of a firearm occurring within one thousand feet of a public gathering entirely within a private residence or in accordance with a concealed handgun permit issued pursuant to R.S. 40:1379.1.
 - (3) The possession or discharge of a firearm by a person who holds a valid certificate as a living historian in the use, storage, and handling of black powder issued by the Louisiana office of state parks for the purpose of historic reenactments if the firearm is a black powder weapon which is an antique firearm as defined in 18 U.S.C. 921(a)(16), or an antique device exempted from the term "destructive device" in 18 U.S.C. 921(a)(4).
 - (4) The discharge of a firearm by a person engaged in any lawful hunting or sport shooting activity on public or private property.
- D. Whoever commits the crime of reckless or negligent discharge of a firearm at a parade or demonstration shall be sentenced to imprisonment at hard labor for not less than five nor more than fifteen years, at least three years of the sentence imposed shall be served without benefit of parole, probation, or suspension of sentence and shall be fined not more than five thousand dollars.
- E. The provisions of this Section shall not apply to the discharge of any firearm which has been authorized as part of the parade itself.

R.S. 14:95.3 Unlawful Use or Possession of Body Armor

- §95.3. Unlawful use or possession of body armor
- A.(1) It is unlawful for any person to possess body armor who has been convicted of any of the following:
 - (a) A crime of violence as defined in R.S. 14:2(B) which is a felony.
 - (b) Simple burglary, burglary of a pharmacy, or burglary of an inhabited dwelling.
 - (c) Unauthorized entry of an inhabited dwelling.
 - (d) Felony illegal use of weapons or dangerous instrumentalities.
 - (e) Manufacture or possession of a delayed action incendiary device.
 - (f) Manufacture or possession of a bomb.

- (g) Any violation of the Uniform Controlled Dangerous Substances Law.
- (h) Any crime defined as an attempt to commit one of the offenses enumerated in Subparagraphs (a) through (g) of this Paragraph.
- (i) Any law of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the crimes enumerated in Subparagraphs (a) through (h) of this Paragraph.
- (2) The prohibition in Paragraph (1) of this Subsection shall not apply to any person who is participating in a witness protection program.
- B. No person shall use or wear body armor while committing any of the crimes enumerated in Subparagraphs (A)(1)(a) through (i) of this Section.
- C. Whoever violates the provisions of this Section shall be fined not more than two thousand dollars or imprisoned with or without hard labor for not more than two years, or both.
- D. For the purposes of this Section, "body armor" shall mean bullet resistant metal or other material intended to provide protection from weapons or bodily injury.

R.S. 14:95.6 Firearm-Free Zone; Notice; Signs; Crime; Penalties

- §95.6. Firearm-free zone; notice; signs; crime; penalties
- A. A "firearm-free zone" is an area inclusive of any school campus and within one thousand feet of any such school campus, and within a school bus.
- B. The provisions of this Section shall not apply to:
 - (1) A federal, state, or local law enforcement building.
 - (2) A military base.
 - (3) A commercial establishment which is permitted by law to have firearms or armed security.
 - (4) Private premises where a firearm is kept pursuant to law.
 - (5) Any constitutionally protected activity within the firearm-free zone, such as a firearm contained entirely within a motor vehicle.

- C. For purposes of this Section:
 - (1) "School" means any public or private elementary, secondary, high school, or vocational-technical school, college, or university in this state.
 - (2) "School campus" means all facilities and property within the boundary of the school property.
 - (3) "School bus" means any motor bus being used to transport children to and from school or in connection with school activities.
- D. The local governing authority which has jurisdiction over zoning matters in which each firearm-free zone is located shall publish a map clearly indicating the boundaries of each firearm-free zone in accordance with the specifications in Subsection A. The firearm-free zone map shall be made an official public document and placed with the clerk of court for the parish or parishes in which the firearm-free zone is located.
- E. The state superintendent of education, with the approval of the State Board of Elementary and Secondary Education, and the commissioner of higher education, with the approval of the Board of Regents, shall develop a method by which to mark firearm-free zones, including the use of signs or other markings suitable to the situation. Signs or other markings shall be located in a visible manner on or near each school and on and in each school bus indicating that such area is a firearm-free zone and that such zone extends to one thousand feet from the boundary of school property. The state Department of Education shall assist each approved school with the posting of notice as required in this Subsection.
- F.(1) It is unlawful for any person to cover, remove, deface, alter, or destroy any sign or other marking identifying a firearm-free zone as provided in this Section.
- (2) Whoever violates the provisions of this Subsection shall be fined not more than one thousand dollars or imprisoned for not more than six months, or both.
- Acts 1992, No. 197, §1; Acts 1993, No. 844, §1; Acts 1993, No. 1031, §1.

R.S. 14:95.7 Possession of or Dealing in Firearms with Obliterated Number or Mark

- §95.7. Possession of or dealing in firearms with obliterated numbers or marks
- A. No person shall intentionally receive, possess, carry, conceal, buy, sell, or transport any firearm from which the serial number or mark of identification has been obliterated.
- B. This Section shall not apply to any firearm which is an antique or war relic and is inoperable or for which ammunition is no longer manufactured in the United States and is not readily available in the ordinary channels of commercial trade, or which was originally manufactured without such a number.
- C. Whoever violates the provisions of this Section shall be fined not more than one thousand dollars and imprisoned as follows:
 - (1) For a first offense, the penalty shall be imprisonment, with or without hard labor, for not less than one year nor more than five years.
 - (2) For a second or subsequent offense, the penalty shall be imprisonment, with or without hard labor, for not less than two years nor more than ten years.
- Acts 1993, No. 85, §1; Acts 2012, No. 478, §1.

R.S. 14:95.8 Illegal Possession of a Handgun by a Juvenile

- §95.8. Illegal possession of a handgun by a juvenile
- A. It is unlawful for any person who has not attained the age of seventeen years knowingly to possess any handgun on his person. Any person possessing any handgun in violation of this Section commits the offense of illegal possession of a handgun by a juvenile.
- B.(1) On a first conviction, the offender shall be fined not more than one hundred dollars and imprisoned for not less than ninety days and not more than six months.
- (2) On a second conviction, the offender shall be fined not more than five hundred dollars and imprisoned with or without hard labor for not more than two years.
- (3) On a third or subsequent conviction, the offender shall be fined not more than one thousand dollars and imprisoned at hard labor for not more than five years.
- (4) A juvenile adjudicated delinquent under this Section, having been previously found guilty or adjudicated delinquent for any crime of violence as defined by R.S. 14:2(B), or attempt or conspiracy to commit any such offense, shall upon a first or subsequent conviction be fined not less than five hundred dollars and not more than one thousand dollars and shall be imprisoned with or without hard labor for not less than six months and not more than five years. At least ninety days shall be served without benefit of probation, parole, or suspension of sentence.

- C. The provisions of this Section shall not apply to any person under the age of seventeen years who is:
 - (1) Attending a hunter's safety course or a firearms safety course.
 - (2) Engaging in practice in the use of a firearm or target shooting at an established range.
 - (3) Hunting or trapping pursuant to a valid license issued to him pursuant to the laws of this state.
 - (4) Traveling to or from any activity described in Paragraph (1), (2), or (3) of this Subsection while in possession of an unloaded gun.
 - (5) On real property with the permission of his parent or legal guardian and with the permission of the owner or lessee of the property.
 - (6) At such person's residence and who, with the permission of such person's parent or legal guardian, possesses a handgun.
 - (7) Possessing a handgun with the written permission of such person's parent or legal guardian; provided that such person carries on his person a copy of such written permission.
- D. For the purposes of this Section "handgun" means a firearm as defined in R.S. 14:37.2, provided however, that the barrel length shall not exceed twelve inches.
- Acts 1999, No. 1218, §1.

R.S. 14:402.1 Taking contraband to state-owned hospitals unlawful; penalty

- §402.1. Taking of contraband to state-owned hospitals unlawful; penalty
- A. It shall be unlawful for any person to introduce or attempt to introduce into or upon the grounds or buildings of any state-owned and administered hospital or related facility, except through regular channels as authorized by the administrator of the hospital, any of the following articles which are hereby declared contraband for the purposes of this Part, namely: Any intoxicating beverage or beverage which causes or may cause an intoxicating effect; any narcotic or hypnotic or exciting drug of whatever kind or nature including nasal inhalators of any variety, sleeping pills or barbiturates of any variety that create or may create a hypnotic effect if taken internally; and any firearm or other instrumentality customarily considered a dangerous weapon.
- B. Whoever violates any provision of this Section shall upon conviction be imprisoned with or without hard labor for not more than three years.
- Added by Acts 1962, No. 383, §1; Acts 2001, No. 403, §1, eff. June 15, 2001.

R.S. 38:213.1 Hunting or Discharge of Firearms, When Prohibited

- §213.1. Hunting or discharge of firearms, when prohibited
- A. Hunting or the discharge of firearms on roads or highways located on public levees or within one hundred feet from the center line of such roads or highways is hereby prohibited except by law enforcement officers in discharge of their official duties.
- Whoever violates this section shall be fined not more than fifty dollars or imprisoned for more than thirty days or both.
- B. In addition to such other law enforcement officers as by law are vested with such authority, the law enforcement officers of the Louisiana Wildlife and Fisheries Commission are authorized to enforce the provisions of this section.
- Added by Acts 1968, No. 346, §1.

R.S. 14:130.1 Obstruction of Justice

- §130.1. Obstruction of justice
- A. The crime of obstruction of justice is any of the following when committed with the knowledge that such act has, reasonably may, or will affect an actual or potential present, past, or future criminal proceeding as hereinafter described:
 - (1) Tampering with evidence with the specific intent of distorting the results of any criminal investigation or proceeding which may reasonably prove relevant to a criminal investigation or proceeding. Tampering with evidence shall include the intentional alteration, movement, removal, or addition of any object or substance either:
 - (a) At the location of any incident which the perpetrator knows or has good reason to believe will be the subject of any investigation by state, local, or United States law enforcement officers; or
 - (b) At the location of storage, transfer, or place of review of any such evidence.

R.S. 14:130.1 Obstruction of Justice

- (2) Using or threatening force toward the person or property of another with the specific intent to:
 - (a) Influence the testimony of any person in any criminal proceeding;
 - (b) Cause or induce the withholding of testimony or withholding of records, documents, or other objects from any criminal proceeding;
 - (c) Cause or induce the alteration, destruction, mutilation, or concealment of any object with the specific intent to impair the object's integrity or availability for use in any criminal proceeding;
 - (d) Evade legal process or the summoning of a person to appear as a witness or to produce a record, document, or other object in any criminal proceeding;
 - (e) Cause the hindrance, delay, or prevention of the communication to a peace officer, as defined in R.S. 14:30, of information relating to an arrest or potential arrest or relating to the commission or possible commission of a crime or parole or probation violation.

R.S. 14:130.1 Obstruction of Justice

- (3) Retaliating against any witness, victim, juror, judge, party, attorney, or informant by knowingly engaging in any conduct which results in bodily injury to or damage to the property of any such person or the communication of threats to do so with the specific intent to retaliate against any person for:
- (a) The attendance as a witness, juror, judge, attorney, or a party to any criminal proceeding or for producing evidence or testimony for use or potential use in any criminal proceeding, or

R.S. 14:130.1 Obstruction of Justice

- B. Whoever commits the crime of obstruction of justice shall be subject to the following penalties:
- (1) When the obstruction of justice involves a criminal proceeding in which a sentence of death or life imprisonment may be imposed, the offender shall be fined not more than one hundred thousand dollars, imprisoned for not more than forty years at hard labor, or both.
- (2) When the obstruction of justice involves a criminal proceeding in which a sentence of imprisonment necessarily at hard labor for any period less than a life sentence may be imposed, the offender may be fined not more than fifty thousand dollars, or imprisoned for not more than twenty years at hard labor, or both.
- (3) When the obstruction of justice involves any other criminal proceeding, the offender shall be fined not more than ten thousand dollars, imprisoned for not more than five years, with or without hard labor, or both.
- Acts 1984, No. 561, §1, eff. Jan. 1, 1985.

R.S. 14:24 Principals

- §24. Principals
- All persons concerned in the commission of a crime, whether present or absent, and whether they directly commit the act constituting the offense, aid and abet in its commission, or directly or indirectly counsel or procure another to commit the crime, are principals.

R.S. 14:25 Accessories After the Fact

- §25. Accessories after the fact
- An accessory after the fact is any person who, after the commission of a felony, shall harbor, conceal, or aid the offender, knowing or having reasonable ground to believe that he has committed the felony, and with the intent that he may avoid or escape from arrest, trial, conviction, or punishment.
- An accessory after the fact may be tried and punished, notwithstanding the fact that the principal felon may not have been arrested, tried, convicted, or amenable to justice.
- Whoever becomes an accessory after the fact shall be fined not more than five hundred dollars, or imprisoned, with or without hard labor, for not more than five years, or both; provided that in no case shall his punishment be greater than one-half of the maximum provided by law for a principal offender.

- §26. Criminal conspiracy
- A. Criminal conspiracy is the agreement or combination of two or more persons for the specific purpose of committing any crime; provided that an agreement or combination to commit a crime shall not amount to a criminal conspiracy unless, in addition to such agreement or combination, one or more of such parties does an act in furtherance of the object of the agreement or combination.
- If the intended basic crime has been consummated, the conspirators may be tried for either the conspiracy or the completed offense, and a conviction for one shall not bar prosecution for the other.
- B. Whoever is a party to a criminal conspiracy to commit any crime shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators; provided, however, whoever is a party to a criminal conspiracy to commit a crime punishable by death or life imprisonment shall be imprisoned at hard labor for not more than thirty years.
- C. Whoever is a party to a criminal conspiracy to commit any other crime shall be fined or imprisoned, or both, in the same manner as for the offense contemplated by the conspirators; but such fine or imprisonment shall not exceed one-half of the largest fine, or one-half the longest term of imprisonment prescribed for such offense, or both.
- Amended by Acts 1977, No. 538, §1.

- **How to fly with your weapon on commercial air lines:**

- You may transport unloaded firearms in a locked hard-sided container as checked baggage only. Declare the firearm and/or ammunition to the airline when checking your bag at the ticket counter. The container must completely secure the firearm from being accessed. Locked cases that can be easily opened are not permitted. Be aware that the container the firearm was in when purchased may not adequately secure the firearm when it is transported in checked baggage.

- **Firearms**

- When traveling, comply with the laws concerning possession of firearms as they vary by local, state and international governments.
- If you are traveling internationally with a firearm in checked baggage, please check the U.S. Customs and Border Protection website for information and requirements prior to travel.
- Declare each firearm each time you present it for transport as checked baggage. Ask your airline about limitations or fees that may apply.
- Firearms must be unloaded and locked in a hard-sided container and transported as checked baggage only. As defined by [49 CFR 1540.5](#) a loaded firearm has a live round of ammunition, or any component thereof, in the chamber or cylinder or in a magazine inserted in the firearm. Only the passenger should retain the key or combination to the lock unless TSA personnel request the key to open the firearm container to ensure compliance with TSA regulations. You may use any brand or type of lock to secure your firearm case, including TSA-recognized locks.
- Bringing an unloaded firearm with accessible ammunition to the security checkpoint carries the same civil penalty/fine as bringing a loaded firearm to the checkpoint.
- Replica firearms, including firearm replicas that are toys, may be transported in checked baggage only.

- **Ammunition**

- Ammunition is prohibited in carry-on baggage, but may be transported in checked baggage.
- Firearm magazines and ammunition clips, whether loaded or empty, must be securely boxed or included within a hard-sided case containing an unloaded firearm. [Read the requirements](#) governing the transport of ammunition in checked baggage as defined by 49 CFR 175.10 (a)(8).
- Small arms ammunition (up to .75 caliber and shotgun shells of any gauge) must be packaged in a fiber (such as cardboard), wood, plastic, or metal box specifically designed to carry ammunition and declared to your airline.
- Ammunition may be transported in the same hard-sided, locked case as a firearm if it has been packed as described above. You cannot use firearm magazines or clips for packing ammunition unless they completely enclose the ammunition. Firearm magazines and ammunition clips, whether loaded or empty, must be boxed or included within a hard-sided, locked case.
- Please check with your airline for quantity limits for ammunition

- It is your legal duty to tell any officer who approaches you in an official manner that you are carrying.
 - It is the law
 - Your permit may be revoked for failure to tell them this.
 - It is for your safety---and for theirs
 - Tell them...
 - They may already know it because it is now on your Louisiana Drivers License—but tell them anyway...
 - Tell them where the gun is at if it is on you.
 - Ask him if he would like for you to remove it—or if he would like to remove it “or do you prefer to leave it alone?”
 - **If you want to be treated professionally, act professionally.**

- Try to remain calm
- Try to act professional
 - **Calm tone of voice, but loud and commanding enough to be heard by all around.**
- Try to control your breathing
- If you have time—SAY THESE THINGS:
 - “DROP THE GUN” “I don’t want to shoot you.”
 - If you have witnesses around they will remember this.
- Start telling those around you to leave.
 - If the perpetrator is in his right mind, at all, this might help to bring him to his senses.

- If the perpetrator is giving you time, like he is putting the gun down, start trying to get people around him to move away from him. Tell them this: “Move away from him.”
- Remember – you are responsible for your target—and what’s beyond (and around) it.
- If he acts like he wants to put the gun down and leave, let him put the gun down and leave.
 - The police now have a gun (and cartridges) with fingerprints.
 - He’s going to get caught—and you probably aren’t going to have to testify in front of a grand jury (in defense of yourself).

- You might even have a photo or video of him on film.

- Shoot only when you can articulate that you were in fear that either YOU or SOMEONE ELSE was going to be killed or receive GREAT BODILY HARM.
- FOCUS ON STOPPING THE THREAT.
 - NOTHING ELSE.
 - NOT ON KILLING.
 - NOT ON INJURING.
 - ONLY ON STOPPING THE THREAT.

- If the threat can be stopped by injuring the perpetrator, everyone comes out “ahead.”
- If it is absolutely necessary to take the life of the perpetrator in order to stop the threat then so be it.
 - This is a very sad situation; however, if you are doing what is right—and are following the Laws of the State of Louisiana, then he put himself into that situation. Again, this is sad.

- Fire until it appears that the threat is stopped.
- Still on target.
- When threat is stopped, re-holster and keep the gun holstered until a law officer requests that you remove the gun from the holster—or until the officer removes it from your holster for you.

- If you desire to continue carrying concealed after this, you will need a second gun during the investigation, as your gun is, in all probability, about to be seized as evidence.
 - It will be up to the District Attorney as to when you can get it back.
 - At best, two or three weeks
 - At worst, two or three years . . .

- As a concealed handgun permit holder, is your duty to notify the State Police of this incident.

- Don't take this personal, it is standard procedure:
 - The scene will be secured
 - They will take your handgun
 - You may be handcuffed
 - You may be given your rights
 - Investigators may be called
 - You are not likely to be "free to go"
 - You may be placed in the back of a police car
 - You may be asked to go to the police station or sheriffs office
 - You may be placed in a jail cell
 - You may be required to stay in jail for a few days

- Don't take this personal, it is standard procedure:
 - (continued)
 - You may be required to post bond
 - Bond may have to be set by a District Judge
 - You are very likely to be sued
 - You will probably win—if you have done everything right

- If it was me:
 - I would fully cooperate with law enforcement
 - I would know that all evidence is important to ensuring my freedom
 - I would know that every witness is important
 - Witnesses see things differently
 - Different angles of view
 - Different mindsets
 - Some can't see or hear as well as others
 - Some may see it one way—others may see it another

- DO NOT PICK UP NOR TOUCH ANY EVIDENCE:
 - Any bullet
 - Any cartridge
 - Any casing
 - Any gun
 - Any note or paper touched by perpetrator (or anything else)
 - Anything left behind
- You want witnesses to say that you were “calm and professional.”

- If you shoot, and CPR is needed, if you are not qualified to give CPR, ask if someone is qualified to give CPR. Try to assist the SUBDUED perpetrator any way that you can if he is no longer a threat.
 - Be sure to either call ambulance or to ask repeatedly if ambulance and police have been called.

- I would, prefer to give law enforcement a written statement from me—rather than to let them question me and me respond to their questions.
- I feel that if I can “tell the story the way that it happened without interruption,” that I have a much better opportunity to “get it right the first time.”
 - Also, I would probably want my attorney to assist me with writing my statement.
 - Even if it meant that I had to spend the weekend in a jail cell.

- When giving written statements (or verbal statements for that matter), always, always, always use approximations—and stay away from the definitive (unless you measured yourself).
 - “approximately 8 to 10 feet.”
 - This can keep you from looking bad in court
 - Like a “fibber.”

- Most of us have never had to use deadly force.
- If, after firing a shot at someone, we don't feel well, we should ask to be taken to a local emergency room for examination and treatment.
 - Having to use deadly force can be a traumatic experience—even for experienced law officers who deal with trauma and death very often.
 - If at any time you don't feel well, please ask to see a physician.

- Know what the policy is at your workplace
 - Just because you have a concealed permit in your purse or pocket does not mean that you are allowed to carry in your workplace