



NEW ORLEANS POLICE DEPARTMENT OPERATIONS MANUAL

CHAPTER: 1.25

TITLE: ENFORCING FIREARMS LAWS

EFFECTIVE: 7/4/2024

REVISED: Replaces previous Chapter 1.25 – Concealed Handgun Permit

PURPOSE

This Chapter identifies the Department's guidelines regarding enforcing the open and concealed carry of firearms.

DEFINITIONS

Restaurant Establishment - For purposes of this policy, "restaurant establishment" shall be defined as an establishment which operates a place of business whose average monthly revenue from food and nonalcoholic beverages exceeds fifty percent of its total average monthly revenue from the sale of food, nonalcoholic beverages, and alcoholic beverages.

STATE LAW

1. Any person 18 years of age or older who is not otherwise prohibited from possessing a firearm may carry open or concealed in Louisiana unless in a prohibited location. (See: RS 14-95(M) and RS 14-95.8).
2. The Department of Public Safety and Corrections (DPSC) has the statutory authority to issue a concealed handgun permit. A permit shall be issued to any citizen who qualifies pursuant to state law (La R.S. 40:1379.3). The New Orleans Police Department does not issue concealed handgun permits.
3. Commissioned law enforcement officers are exempt from the requirements involving a concealed handgun permit (La R.S. 40:1379.3(Q)).
4. Officers shall be aware that La R.S. 40:1796 (as effective on August 1, 2024) renders any existing municipal law or regulation more restrictive than state law concerning the carrying of firearms null and void.
5. Officers shall not enforce municipal firearms laws that are more restrictive than state law, including 17271 MCS 54-341, 342, and 342.5, to ensure compliance with applicable state laws.
6. If an individual is open carrying a firearm an officer may not perform a pat-down on the armed individual unless they can articulate the specific, objective reasons they believe the person is also dangerous (other than the possession of the firearm).

RESTRICTIONS ON OPEN OR CONCEALED CARRY

7. No person shall be permitted to carry a weapon in any facility, building, location, zone, or area in which firearms are banned by state or federal law, whether open or concealed carrying. (firearm free zones – See: RS 14:95.2, 14:95.5, and 14:95.6).
8. No person shall intentionally possess a firearm while on the premises of an alcoholic beverage outlet (RS 14-95.5). Individuals who have been issued a permit under RS 40:1379.1 or RS 40:1379.3 may carry a concealed firearm in a restaurant that has been issued a Class A-Restaurant permit (RS 14-95.5 (C)(2)), unless prohibited by the establishment in accordance with RS 40:1379.3(O)(1).
9. Nothing in the law shall limit the right of a property owner, lessee, or other lawful custodian to prohibit or restrict access of those persons possessing an open or concealed handgun, provided the individual carrying a concealed handgun is not a qualified law enforcement officer or qualified retired law enforcement officer legally carrying a concealed firearm (see RS 1379.1.3 (D) and 1379.1.4 (F)).

OPEN OR CONCEALED CARRY DURING INVESTIGATORY STOPS / PAT DOWNS

10. Officers may not conduct an Investigatory Stop solely because an individual is carrying a firearm, open or concealed carry, unless they have prior knowledge the subject is prohibited (e.g., the officers know that the subject is under 18 or a convicted felon) or have additional articulable facts that would lead a reasonable officer to believe a person has committed, is committing, or is about to commit a crime and has a reasonable belief that the person may be presently dangerous. The possession of a firearm in a known restricted location may justify further investigation (parades, certain gov't buildings, church, police buildings, courtrooms, ABO, etc.).
11. Pursuant to La R.S. 40:1379.3 (I)(2), a concealed carry permittee armed with a handgun or a person carrying a firearm pursuant to R.S. 14:95(M) shall notify any police officer who approaches the permittee in an official manner or with an identified official purpose that they have a weapon on their person, submit to a pat down, and allow the officer to temporarily disarm them.
12. If an individual suspected of carrying a concealed firearm while under the influence of alcohol or a controlled dangerous substance refuses to submit to a request for a department-certified chemical test as described in La R.S. 40:1379.3(I)(2), the officer may seize the individual's firearm for safekeeping. The firearm shall be placed at Central Property and Evidence as property for retrieval by the individual in accordance with [NOPD Chapter 84.1 – Evidence and Property](#).
13. Once an Officer has completed the investigatory stop, and if no other enforcement action is being taken, and it has been determined the individual is legally allowed to possess the firearm, so long as the firearm is not obviously altered, defaced, or suspected stolen based on reasonable articulable facts, the officer should safely return the firearm to the individual in an area where the firearm may be lawfully possessed.

RESTRICTIONS SPECIFIC TO CARRYING CONCEALED FIREARMS

14. No person carrying a firearm pursuant to R.S. 14:95(M) may carry and conceal such a firearm while under the influence of alcohol (with a BAC of .05 or higher) or a controlled dangerous substance in accordance with La R.S. 40:1379.3(I)(1).
15. No individual may carry a concealed handgun into the private residence of another without first receiving the consent of that person in accordance with La R.S. 40:1379.3

(O)(2).

16. No individual may carry a concealed handgun into the private residence of another without first receiving the consent of that person in accordance with La R.S. 40:1379.3 (O)(2).
17. Concealed firearms are not permitted in certain buildings or other areas that may be prohibited by law. Examples include, but are not limited to the following:
- a. Any establishment that has been granted a permit to sell alcoholic beverages for consumption on the premises (La R.S. 26:71.1; La R.S. 26:271). Unless the following conditions are met:
 - i. The ABO has been designated as a “restaurant establishment” as defined in La R.S. 26:272(C)(1) and has been issued a Class A-Restaurant permit in accordance with La R.S. 26:271.2; and
 - ii. The individual possess a firearm pursuant to a concealed handgun permit issued pursuant to La R.S. 40:1379.1 or La R.S. 40:1379.3, or is carrying concealed pursuant to La R.S. 14:95(M).
 - b. Any place where a property owner, lessee, or other lawful custodian of the property has prohibited or restricted persons from possessing an open or concealed firearm (La R.S. 1379.3(O)) except for individuals carrying in accordance with La RS 1379.1.3 (D) and 1379.1.4 (F) only for qualified law enforcement officer or qualified retired law enforcement officer legally carrying a concealed firearm.
 - c. Any school firearm-free zone pursuant to La R.S. 14:95.6.
 - d. Those areas identified under La R.S. 40:1379.3 and La R.S. 40:1379.3(N):
 - i. A law enforcement office, station, or building.
 - ii. A detention facility, prison, or jail.
 - iii. A courthouse or courtroom provided that a judge may carry such a weapon in his own courtroom.
 - iv. A polling place.
 - v. A public building used as a meeting place of the governing authority of a political subdivision.
 - vi. The state capitol building.
 - vii. Any portion of an airport facility where the carrying of firearms is prohibited under federal law, except that no person shall be prohibited from carrying any legal firearm into the terminal, if the firearm is encased for shipment, for the purpose of checking such firearm as lawful baggage.
 - viii. Any church, synagogue, mosque, or other similar place of worship, eligible for qualification as a tax-exempt organization under 26 U.S.C. 501, unless authorized by the person who has authority of over the place of worship.
 - ix. A parade or demonstration for which a permit is issued by a governmental entity.
 - x. Any portion of the permitted area of an establishment that has been granted Class A-General retail permit, as defined in Part II of Chapter 1 or Part II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic beverages for consumption on the premises.
 - xi. Any school, school campus, or school bus as defined in La R.S. 14:95.6.

SEIZING LEGAL FIREARMS

18. An officer may seize the handgun of any person physically arrested or issued a summons for negligent carrying of a concealed handgun under La R.S. 40:1382. When authoring an arrest gist, summons, or report regarding the

arrest or issuance of a summons for La R.S. 40:1382, the officer shall explain in detail why the carrying, brandishing, or display of the handgun created a reasonable apprehension that a crime was or was about to be committed, or created a situation in which it was foreseeable the handgun may discharge.

19. In the event the officer determines that a physical arrest is appropriate the firearm shall be seized pending the adjudication of the charges.

20. Officers may seize a firearm of an individual who is being physically arrested to ensure the firearm is safely stored until that individual is able to retrieve the firearm. Firearms seized for safe-keeping and storage reasons shall be placed in evidence as property and returned to the rightful owner or their designee in accordance with [Chapter 84.1 – Evidence and Property](#).