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(SUBMIT A SEPARATE INSERTION ORDER PER DOCUMENT)

EMERGENCY RULE NOTICE OF INTENT RULE POTPOURRI

REFER TO INSTRUCTIONS ON REVERSE SIDE

This is your authority to publish in the (month) January, 2019 *Louisiana Register* the document indicated above.

Office of State Police
 Office/Board/Commission promulgating this document

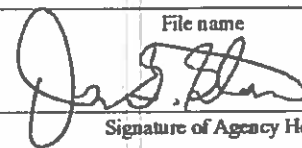
Lt. Col. Jason Stames Chief Administrative Officer
(name) (title)
 Name and title of person whose signature will appear in the publication (at the end of the document)

Dept. of Public Safety
 Department under which office/board/commission is classified

Connor Junkin 225-922-0671 225-925-4624
(name) (phone) (fax)
 Name, phone number, and FAX number of person to contact regarding this document

connor.junkin@la.gov
 E-mail address of contact person

Concealed Handgun Permit Application Disposition Requirement
 Short descriptive listing for this document to be used in the *Louisiana Register's* TABLE OF CONTENTS/INDEX

Concealed Handgun Permit Application Disposition Requirement
 File name

 Signature of Agency Head or Designee
Lt. Col. Jason Stames
 Print Name and Title of Agency Head or Designee

Important: If submitting both an Emergency Rule (ER) and a Notice of Intent (NOI) to be published this month, AND if the rule text in the ER is identical to the rule text in the NOI, check here:

CERTIFICATION OF AVAILABLE FUNDS

DOCUMENT # _____

ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced publication and authorize the processing of an Interagency Billing with the following coding on the 30th of the month of the publication. Attach supplemental sheet for additional lines of coding.

<u>419</u>	<u>2257</u>	<u>2710</u>	<u>01</u>	<u>4725</u>
AGENCY	ORGANIZATION #	OBJECT	SUB-OBJECT	REPORTING CATEGORY

NON-ISIS AGENCY: I certify the availability of fiscal year _____ appropriated funds for the payment of the above referenced publication and agree to place corresponding invoice in line for payment upon receipt.

Billing Address for Agencies:

 Agency Name

 Street Address or Post Office Box

 City State Zip Code

 925-6032
 Signature of Agency Head or Designee - Phone #

Lines/Other Charges _____ Typesetting \$ _____ TOTAL \$ _____

NOTICE OF INTENT

Department of Public Safety and Corrections
Office of Louisiana State Police
Issuance of Concealed Handgun Permits
(LAC 55:I.1301, 1305, 1307, 1309 and 1315)

In accordance with the provisions of La. R.S. 40:1379.1 relative to the authority of Louisiana Department of Public Safety to promulgate and enforce rules pursuant to the issuance of concealed handgun permits, Louisiana Department of Public Safety, Louisiana State Police hereby proposes to amend rules under Title 55 Part I §1301, §1305, §1307, §1309, and §1315 in relation to requiring certified copies of court minutes as opposed to affidavits, clarification of arrest record, failing to disclose an arrest, requiring fingerprint cards when fingerprint card is not already on file, suspension of permits for DWI arrest, returning invalid permits, and reapplying for permit after denial.

Title 55
Public Safety
Part I. State Police
Chapter 13. Issuance of Concealed Handgun Permits

§1301. Applications and Permits

A. – E. ...

F. **Arrest Record.** If the applicant has an arrest record, he shall present with the application a certified copy from the clerk of court or district attorney of the parish or county in which the arrests were made which specifies the disposition on all charges. Arrest record shall include an arrest, summons, nolle prossed charges, dismissed charges, expunged charges, convictions which are set aside and any pardon.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379.1, 40:1379.3, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety, Office of State Police, LR 1:495 (November 1975), amended by the Department of Public Safety and Corrections, Office of State Police, LR 22:845 (September 1996), LR 38:1279 (May 2012), repromulgated LR 38:1415 (June 2012), amended LR 43:671 (April 2017).

§1305. Definitions

Concealed Handgun – any handgun as defined in R.S. 40:1379.3(J)(3) which is carried on a person in such a manner as to hide or obscure the handgun from plain view.

§1307. Applications and Permits

A. – B. 9. ...

10. Incomplete applications, including failure to pay fees and failure to disclose an arrest or criminal offense, shall result in the rejection or denial of a permit application.

...

12. Any false statement or improper notarization contained in any report, disclosure, application, permit form, or any other document required by the department shall be a violation of these rules and shall be cause for denial, suspension, or revocation of the permit.

B. 13. – D. 4. ...

5. Fingerprint cards shall be required upon renewal and/or submission of training for a lifetime concealed handgun permit if the Department of Public Safety determines that there is no Concealed Handgun Permit fingerprint card submission on file. Failure to comply shall be grounds for a denial or suspension.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379.1, 40:1379.3, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:846 (September 1996), amended LR 28:1483 (June 2002), LR 38:1281 (May 2012), repromulgated LR 38:1415 (June 2012), amended LR 43:673 (April 2017).

§1309. Permits

A. – G. ...

H. An otherwise lawful permit shall be considered automatically suspended and not valid while the permittee is under the influence of alcoholic beverages or a controlled dangerous substance. For purposes of these rules and the applicable law, a permittee shall be considered under the influence as evidenced by a blood alcohol reading of 0.05 grams percent or greater by weight of alcohol in the blood, or when a blood test or urine test shows any confirmed presence of a controlled dangerous substance as defined in R.S. 40:961 and 964. If permittee is arrested for DWI (R.S. 14:98 provisions), the suspension of the concealed handgun permit is indefinite until the DWI is formally resolved with a dismissal, nolle prosequere, or if the permittee is found not guilty of DWI, or until admission into and completion of a District Attorney's pre-trial diversion program. Permittee shall provide proof of official disposition by a certified copy from the Court or the District Attorney's Office.

I. For any arrest whereby the crime is punishable by a penalty which is disqualifying, the permit shall become invalid by suspension and remain invalid until the official judicial disposition of the charge. The concealed handgun permit shall be returned to the Concealed Handgun Permit Office at Louisiana State Police within 15 days after notification from the Concealed Handgun Permit Office.

J. The deputy secretary shall automatically suspend a permit for six months if a permittee fails to comply with the provisions of R.S. 40:1379.3(I)(2).

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379.1, 40:1379.3, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:848 (September 1996), amended LR 38:1282 (May 2012).

§1315. Appeal and Hearing Procedures

A. Notice of Permit Denial and Appeal

1. ...

a. Option 1—Informal Review. The applicant shall have 10 business days to request an informal review of documentation and evidence provided by the applicant setting out reasons the denial should be considered improper. If the application denial is upheld after an informal review, the applicant may apply for a concealed handgun permit one (1) year from the date of the denial letter. Reapplications one (1) year following denial are reviewed as normal and not automatically approved. Should the applicant remain dissatisfied with the department's decision following this review process, the applicant may appeal this

decision within 20 business days of receipt of the department's decision by requesting an administrative hearing. Any such hearing requested by an applicant shall be scheduled and conducted in accordance with the Administrative Procedure Act pursuant to R.S. 49:950 et seq.

b. Option 2—Formal Appeal. The applicant may appeal the denial by the department in writing within 30 days of receipt of the department's decision by requesting an administrative hearing. If an administrative hearing is held, and the Administrative Law Judge upholds the denial, the applicant may apply for a concealed handgun permit one (1) year from the date of the signed decision by the Administrative Law Judge. Reapplications one (1) year following denial are reviewed as normal and not automatically approved. Any such hearing requested by an applicant shall be scheduled and conducted in accordance with the Administrative Procedure Act pursuant to R.S. 49:950 et seq.

A. 2. - C. 7. ...

8. If the application denial is for failure to disclose an arrest and the applicant chooses to reapply after the one (1) year period, the applicant shall disclose the subject arrest and provide the disposition of the subject arrest on the next concealed handgun permit application.

AUTHORITY NOTE: Promulgated in accordance with R.S. 40:1379, 40:1381, and 40:1382.

HISTORICAL NOTE: Promulgated by the Department of Public Safety and Corrections, Office of State Police, LR 22:851 (September 1996), amended LR 38:1285 (May 2012), LR 43:675 (April 2017).

FAMILY IMPACT STATEMENT

The Effect of this rule on the Stability of the Family. This rule will have no effect on the stability of the family.

The Effect of this rule on the Authority and Rights of Parents Regarding the Education and Supervision of their Children. This rule will have no effect on the authority and rights of parents regarding the education and supervision of their children.

The Effect of this rule on the Functioning of the Family. This rule will have no effect on the functioning of the family.

The Effect of this rule on Family Earnings and Family Budget. This rule will have no effect on family earning and family budget.

The Effect of this rule on the Behavior and Personal Responsibility of Children. This rule will have no effect on the behavior and personal responsibility of children.

The Effect of this rule on the Ability of the Family or Local Government to Perform the Function as Contained in the Proposed Rules. This rule will have no effect on the ability of the family or local government to perform the function as contained in the proposed rules.

POVERTY IMPACT STATEMENT

The proposed Rule should not have any known or foreseeable impact on any child, individual or family as defined by R.S. 49:973.B. In particular, there should be no known or foreseeable effect on:

1. the effect on household income, assets, and financial security;

2. the effect on early childhood development and preschool through postsecondary education development;
3. the effect on employment and workforce development;
4. the effect on taxes and tax credits;
5. the effect on child and dependent care, housing, health care, nutrition, transportation, and utilities assistance.

PROVIDER IMPACT STATEMENT

The proposed Rule should not have any known or foreseeable impact on providers as defined by HCR 170 of 2014 Regular Legislative Session. In particular, there should be no known or foreseeable effect on:

1. the effect on the staffing level requirements or qualifications required to provide the same level of service;
2. the total direct and indirect effect on the cost to the providers to provide the same level of service; or
3. the overall effect on the ability of the provider to provide the same level of service.

PUBLIC COMMENTS

Interested persons may submit written comments to Connor K. Junkin, Attorney, Louisiana State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, Louisiana 70806. He is responsible for responding to inquiries regarding this proposed Rule.

REQUEST FOR PUBLIC HEARING

Requests for a public hearing must be submitted in writing either via email or written correspondence. Requests for a public hearing shall be sent to Connor.Junkin@la.gov or to Connor K. Junkin, Attorney, Louisiana State Police, 7979 Independence Blvd., Suite 307, Baton Rouge, Louisiana 70806. The deadline for submitting a request for public hearing is February 10, 2019. All requests for a public hearing sent via written correspondence must be received by February 10, 2019.

FISCAL AND ECONOMIC IMPACT STATEMENT

I. ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (SUMMARY)

It is anticipated that implementation of this proposed rule will have no programmatic fiscal impact to the state other than the de minimis cost of promulgation for FY 18-19.

II. ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)

It is anticipated that the implementation of this proposed rule will not affect revenue collections.

III. ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)

It is anticipated that implementation of this proposed rule will not have economic cost or benefits to directly affected persons or non-governmental groups for FY 18-19, FY 19-20, and FY 20-21.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)

This rule has no known effect on competition and employment.

RECEIVED

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

JAN 10 2019

**OFFICE OF THE
STATE REGISTER**

Person Preparing Statement: Captain Chris Eskew Dept. Louisiana State Police
Phone: (225) 925-4935 Office: BCII - LCJIS
Return Address: 7919 Independence Blvd. Rule Title: Concealed Handgun Permit
Baton Rouge, LA 70806 Disposition Requirement
Date Rule Takes Effect: Date of Promulgation

**SUMMARY
(Use complete sentences)**

In accordance with Section 953 of Title 49 of the Louisiana Revised Statutes, there is hereby submitted a fiscal and economic impact statement on the rule proposed for adoption, repeal or amendment. THE FOLLOWING STATEMENTS SUMMARIZE ATTACHED WORKSHEETS, I THROUGH IV AND WILL BE PUBLISHED IN THE LOUISIANA REGISTER WITH THE PROPOSED AGENCY RULE.

- I. **ESTIMATED IMPLEMENTATION COSTS (SAVINGS) TO STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
The proposed rule changes will not result in any costs or savings to state or local governmental units. The proposed rule changes related to the issuance of concealed handgun permits replaces the notarized arrest record requirement with a certified copy of the arrest record; adds a requirement for fingerprint cards upon renewal of lifetime permits; provides for the suspension of the permit for failure to disclose an arrest or criminal record, following the arrest for DWI, and following any arrest whereby the crime is punishable by a penalty which is disqualifying; and revises provisions for reapplication of a permit following a denial of application.
- II. **ESTIMATED EFFECT ON REVENUE COLLECTIONS OF STATE OR LOCAL GOVERNMENTAL UNITS (Summary)**
The proposed rule changes will increase local revenues by approximately \$12,960 annually. The proposed rule changes require a certified copy of an arrest record from the clerk of court or district attorney in which the arrest was made. Per La. R.S. 13:847(A)(3) and (5), clerks are entitled to demand and receive one dollar per copied page, and five dollars for certification of copies. The Louisiana State Police (LSP) processes approximately 3,600 applications for concealed handgun permits per year. Approximately 60% of the yearly applications require arrest dispositions resulting in approximately 2,160 applications with attached dispositions. The majority of dispositions needed for the application process are (1) page resulting in an estimated \$6 charge for certified copies from the clerk of court per application with an estimated yearly total of \$12,960 (2,160 applications * \$6) for local governments.
- III. **ESTIMATED COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NON-GOVERNMENTAL GROUPS (Summary)**
The proposed rule changes may increase costs for individuals required to provide a certified copy of an arrest record with their application for a concealed handgun permit. Present rule only requires a notarized statement from the clerk of court. To the extent a certified copy of an arrest record is more expensive than a notarized statement, these individuals would experience an increased cost. Per La. R.S. 13:847(A)(3) and (5), clerks are entitled to demand and receive one dollar per copied page, and five dollars for certification of copies.

IV. ESTIMATED EFFECT ON COMPETITION AND EMPLOYMENT (Summary)
The proposed rule changes will have no effect on competition and employment.



Signature of Agency Head or Designee

Dep. Superintendent-Chief Admin. Officer
Typed Name & Title of Agency Head or Designee

1/9/19

Date of Signature



Legislative Fiscal Officer or Designee

1/9/19

Date of Signature

**FISCAL AND ECONOMIC IMPACT STATEMENT
FOR ADMINISTRATIVE RULES**

The following information is required in order to assist the Legislative Fiscal Office in its review of the fiscal and economic impact statement and to assist the appropriate legislative oversight subcommittee in its deliberation on the proposed rule.

- A. Provide a brief summary of the content of the rule (if proposed for adoption, or repeal) or a brief summary of the change in the rule (if proposed for amendment). Attach a copy of the notice of intent and a copy of the rule proposed for initial adoption or repeal (or, in the case of a rule change, copies of both the current and proposed rules with amended portions indicated).

This promulgated rule is requested by the Louisiana State Police as a result of Title 55, Public Safety, Part I. State Police, Chapter 13. Issuance of Concealed Handgun Permits 1301(F) which requires a notarized statement from the clerk of court, to be amended to require a certified copy from the clerk of court or district attorney of the parish or county in which arrests were made which specifies the disposition of all charges. Fingerprint cards shall be required upon renewal and/or submission of training for a lifetime concealed handgun permit if the Department of Public Safety determines that there is no previous Concealed Handgun Permit fingerprint card submission on file. Following the fingerprint based background check, any and all arrests for criminal offenses will require certified copies from the clerk of court in those jurisdictions indicating final dispositions. If permittee is arrested for DWI (R.S. 14:98 provisions), permittee shall provide proof of official disposition by a certified copy from the court or the District Attorney's Office. In addition to the above requirements, if an applicant is denied for failure to disclose an arrest and the applicant chooses to reapply after the denial period, the applicant shall disclose arrest and provide a certified copy of the disposition on the next concealed handgun permit application.

- B. Summarize the circumstances, which require this action. If the Action is required by federal regulation, attach a copy of the applicable regulation.

This promulgated rule is requested by the Louisiana State Police as a result of La. R.S. 1379.3 (R)(1) which requires any Louisiana Concealed Permit applicant or holder to notify the Deputy Secretary of Public Safety Services by certified mail of any misdemeanor or felony arrest, other than a minor traffic violation. This rule would require the permit holder charged with any misdemeanor or felony crime to provide a certified copy of the arrest disposition(s).

C. Compliance with Act 11 of the 1986 First Extraordinary Session

- (1) Will the proposed rule change result in any increase in the expenditure of funds? If so, specify amount and source of funding.**

No, the proposed rule change will not increase LSP's expenditure of funds.

- (2) If the answer to (1) above is yes, has the Legislature specifically appropriated the funds necessary for the associated expenditure increase?**

(a) _____ Yes. If yes, attach documentation.

(b) _____ NO. If no, provide justification as to why this rule change should be published at this time

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

I. A. COSTS OR SAVINGS TO STATE AGENCIES RESULTING FROM THE ACTION PROPOSED

1. What is the anticipated increase (decrease) in costs to implement the proposed action?

COSTS	FY 19	FY 20	FY 21
Personal Services			
Operating Expenses	\$0		
Professional Services			
Other Charges			
Equipment			
Major Repairs & Constr.			
TOTAL	\$0		
POSITIONS (#)	0		

2. Provide a narrative explanation of the costs or savings shown in "A. 1.", including the increase or reduction in workload or additional paperwork (number of new forms, additional documentation, etc.) anticipated as a result of the implementation of the proposed action. Describe all data, assumptions, and methods used in calculating these costs.

There is no estimated cost or savings as a result of this administrative rule.

3. Sources of funding for implementing the proposed rule or rule change.

SOURCE	FY 19	FY 20	FY 21
State General Fund			
Agency Self-Generated			
Dedicated			
Federal Funds			
Other (Specify)			
TOTAL	\$0		

4. Does your agency currently have sufficient funds to implement the proposed action? If not, how and when do you anticipate obtaining such funds?

Yes

B. COST OR SAVINGS TO LOCAL GOVERNMENTAL UNITS RESULTING FROM THE ACTION PROPOSED.

1. Provide an estimate of the anticipated impact of the proposed action on local governmental units, including adjustments in workload and paperwork requirements.

Describe all data, assumptions and methods used in calculating this impact.

The proposed rule change requiring certified copies of arrest records might result in increased workload for local governmental units to process approximately 2,160 applications statewide annually.

2. Indicate the sources of funding of the local governmental unit, which will be affected by these costs or savings.

Not Applicable.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

II. EFFECT ON REVENUE COLLECTIONS OF STATE AND LOCAL GOVERNMENTAL UNITS

A. What increase (decrease) in revenues can be anticipated from the proposed action?

REVENUE INCREASE/DECREASE	FY 19	FY 20	FY 21
State General Fund			
Agency Self-Generated			
Dedicated Funds*			
Federal Funds			
Local Funds	\$12,960	\$12,960	\$12,960
TOTAL	\$12,960	\$12,960	\$12,960

*Specify the particular fund being impacted.

B. Provide a narrative explanation of each increase or decrease in revenues shown in "A." Describe all data, assumptions, and methods used in calculating these increases or decreases.

The proposed rule changes will increase local revenues by approximately \$12,960. The proposed rule changes require a certified copy of an arrest record from the clerk of court or district attorney in which the arrest was made. Per La. R.S. 13:847(A)(3) and (5), clerks are entitled to demand and receive one dollar per copied page, and five dollars for certification of copies. The Louisiana State Police (LSP) processes approximately 3,600 applications for concealed handgun permits per year. Approximately 60% of the yearly applications require arrest dispositions resulting in approximately 2,160 applications with attached dispositions. The majority of dispositions needed for the application process are (1) page resulting in an estimated \$6 charge for certified copies from the clerk of court per application with an estimated yearly total of \$12,960 (2,160 applications * \$6) for local governments.

FISCAL AND ECONOMIC IMPACT STATEMENT

WORKSHEET

III. COSTS AND/OR ECONOMIC BENEFITS TO DIRECTLY AFFECTED PERSONS OR NONGOVERNMENTAL GROUPS

- A. What persons or non-governmental groups would be directly affected by the proposed action? For each, provide an estimate and a narrative description of any effect on costs, including workload adjustments and additional paperwork (number of new forms, additional documentation, etc.), they may have to incur as a result of the proposed action.

The proposed rule changes may increase costs for individuals required to provide a certified copy of an arrest record with their application for a concealed handgun permit. Present rule only requires a notarized statement from the clerk of court. To the extent a certified copy of an arrest record is more expensive than a notarized statement, these individuals would experience an increased cost. Per La. R.S. 13:847(A)(3) and (5), clerks are entitled to demand and receive one dollar per copied page, and five dollars for certification of copies.

- B. Also provide an estimate and a narrative description of any impact on receipts and/or income resulting from this rule or rule change to these groups.

The proposed rule change will have no effect on receipts or income.

IV. EFFECTS ON COMPETITION AND EMPLOYMENT

Identify and provide estimates of the impact of the proposed action on competition and employment in the public and private sectors. Include a summary of any data, assumptions and methods used in making these estimates.

The proposed rule changes will have no effect on competition and employment.