

A Bill to Outline Acceptable and Unacceptable Use of Firearms by Law Enforcement and/or Any Private or Public Security Personnel

Objective

The purpose and intent of this title are to provide clear guidelines for law enforcement and/or any private or public security personnel and the public regarding the use of firearms, to increase public trust and safety in and with law enforcement and/or any private or public security personnel.

Eligibility and Exceptions

This bill applies to all persons (citizen and non-citizen) within the borders of Louisiana.

This bill applies to all law enforcement personnel in uniform, out of uniform and undercover, employed by, under contract with, volunteering with and/or otherwise under the orders and/or governance of any Louisiana governing body or any institution operating within the borders of Louisiana.

This bill applies to all persons employed by, under contract with and/or volunteering as security personnel for any institution operating within the borders of Louisiana.

Definitions

A “civilian” is any person who is not employed or volunteering as law enforcement and/or any private or public security personnel.

A “suspect” is any person suspected of a crime or misdemeanor.

“Law Enforcement” includes all people or groups employed as, under contract as, or volunteering as police, security, or operating within any branch of criminal justice and/or government, including but not limited to, courts, jails, prisons and/or other detention facilities.

Security Personnel includes all people or groups employed or volunteering to provide public security and/or private security and/or provide order, whether for a governmental, public or private entity, business, neighborhood, location or jurisdiction.

A “firearm” includes any weapon that discharges a bullet and is classified as a firearm under the definitions set forth by the Bureau of Alcohol, Tobacco, Firearms and Explosives.

An “explosive” includes any device capable of being ignited or discharged with the intent of explosion as defined by the Bureau of Alcohol, Tobacco, Firearms, and Explosives.

Section 1

- a. It is hereafter unlawful and punishable in a court of law as murder, attempted murder, manslaughter, or attempted manslaughter for any member of law enforcement and/or any private or public security personnel to discharge a firearm at any person in Louisiana who is not aiming a firearm at law enforcement, security personnel, and/or some other person.
- b. It is hereafter unlawful and punishable in a court of law as murder, attempted murder, manslaughter, or attempted manslaughter for any member of law enforcement and/or any private or public security personnel to discharge a firearm at any person in Louisiana whose back is turned to law enforcement and/or any private or security personnel and the person or suspect does not have a firearm in his/her/their hand.
- c. It is hereafter unlawful and punishable in a court of law as murder, attempted murder, manslaughter, or attempted manslaughter for any member of law enforcement and/or any private or public security personnel to discharge a firearm at any person in Louisiana whose back is turned to law enforcement and/or any private or any public security personnel and the person has a weapon in his/her/their hand and that person is not more than 30 feet from law enforcement and/or any private or public security personnel and also within 30 feet of a residential, commercial or governmental domicile or office.
- d. It is hereafter unlawful and punishable in a court of law as murder, attempted murder, manslaughter, or attempted manslaughter for any member of law enforcement and/or any private or public security personnel to discharge a firearm at any person in Louisiana who has any weapon in his/her/their hand that is not a firearm but includes any other item that can be used to cause bodily harm to self or others, if that person is not within arms reach of one or more civilians. Law enforcement and/or any private or public security

personnel must first use every option to warn civilians to clear the space and move away from the armed person. If law enforcement and/or any private or public security personnel is unable to safely clear the area of civilians and decides to discharge a firearm at the person every effort must be made to shoot a limb, such as a leg or arm instead of the torso, neck or head of the person.

- e. It is hereafter unlawful and punishable in a court of law as murder, attempted murder, manslaughter, or attempted manslaughter for any member of law enforcement and/or any private or public security personnel to discharge a firearm at any person in Louisiana who has any weapon in his/her/their hand that is not a firearm but includes any other item that can be used to cause bodily harm to self or others, if that person is within the reach of a taser and/or if law enforcement and/or any private or public security personnel has enough space to move further away from the person. If law enforcement and/or any private or public security personnel is unable to move away from the armed person, and uses a taser unsuccessfully to deter the armed person or does not have a taser, it is lawful to discharge a firearm at the armed person. If law enforcement and/or any public or private security personnel decides to discharge a firearm at the person every effort must be made to shoot a limb, such as a leg or arm instead of the torso, neck or head of the person. If law enforcement and/or any private or public security personnel discharges a firearm at the person and aims and/or strikes the person's torso, head and/or neck it is unlawful and punishable in a court of law as manslaughter or attempted manslaughter.
- f. It is hereafter unlawful and punishable in a court of law as threat with a deadly weapon for any member of law enforcement and/or any private or public security personnel to draw his/her/their firearm when initiating and/or during a traffic stop and/or when stopping a pedestrian who is not actively in the act of a crime. If law enforcement and/or any private or public security personnel feel unsafe to approach the vehicle he/she/they has/have stopped or the pedestrian, law enforcement and/or any private or public security personnel should remain in his/her/their unit or remain at a safe distance from the pedestrian to initiate communication. If the driver of the vehicle drives off, exits the vehicle and/or flees on foot, it is hereafter unlawful and punishable in a court of law as

murder, attempted murder, manslaughter or attempted manslaughter for law enforcement and/or any private or public security personnel to discharge his/her/their firearm or to use his/her/their vehicle as a weapon at the person. If the pedestrian flees, it is hereafter unlawful for law enforcement and/or any private or public security personnel to discharge his/her/their firearm or to use his/her/their vehicle as a weapon at the person.

- g. It is hereafter unlawful and punishable in a court of law as murder or attempted murder for any member of law enforcement and/or any private or public security personnel to discharge a firearm at any person in Louisiana who physically assaults the officer without the use of a firearm, knife, or taser. Law enforcement and/or any private or public security personnel must use safe and non-lethal methods to restrain the person. If the law enforcement and/or any private or public security personnel are unable to physically restrain the person, it is hereafter lawful to use a taser on the person. The taser can only be used by law enforcement and/or any private or public security personnel according to the manufacturer's recommendations. Law enforcement and/or any private or public security personnel must stop using the taser as soon as the person stops assaulting law enforcement and/or any private or public security personnel, and/or if the person sits down and/or lays down and/or stands still. If the person attempts to flee after assaulting law enforcement and/or any private or public security personnel, the taser can be used again according to manufacturer's recommendations and/or until the person stands still and/or sits down and/or lays down.
- h. It is hereafter unlawful and punishable in a court of law as Threat with a Deadly Weapon for law enforcement and/or any private or public security personnel to draw a firearm at any time during a traffic stop if a firearm is not visibly in the driver's or passenger's hand or hands. If law enforcement and/or any private or public security personnel feel unsafe to approach the vehicle, he/she/they must use his/her/their unit's speaker or remain by his/her/their unit while giving the driver orders to put his/her/their hands outside the vehicle, open the door from the outside and exit the vehicle with his/her/their driver's license or ID, insurance and registration or any documentation deemed necessary under Louisiana state law during a traffic stop. Law enforcement and/or any private or public

security personnel must then instruct the person to come to the rear of the vehicle and set his/her/their documents on the back of the vehicle and remain either with his/her/their hands in the air or keep his/her/their hands against the vehicle. Law enforcement and/or any private or public security personnel may then approach the person when he/she/they feel safe to do so and commence with review of the person's documents and issue any citation deemed necessary under the circumstances. If law enforcement and/or any private or public security personnel continue to feel unsafe, he/she/they must instruct the person to remain outside of the vehicle with his/her/their hands in the air or on the vehicle until the officer is able to walk backward to the unit and enter safely.

- i. It is hereafter lawful for law enforcement and/or any public or private security personnel to discharge his/her/their firearm at a person who has or is suspected to have an explosive device or incendiary device and the ability to detonate that device is suspected to be on his/her/their person or within five feet of the person and that person is more than 5 feet from law enforcement and/or any public or private security personnel. In this instance, it is lawful for law enforcement and/or any public or private security personnel to discharge his/her/their firearm at any part of the person's or suspect's body.
- j. If the person who has or is suspected of having an explosive and the ability to detonate that explosive is on his/her/their body or within 5 feet of the person and is within 5 feet of law enforcement and/or any public or private security personnel, law enforcement and/or any public or private security personnel must attempt to physically restrain the person. If unable to restrain the person, law enforcement and/or any public or private security personnel may discharge a firearm at the person and may aim at any part of the person's body if law enforcement and/or any public or private security personnel have reasonable suspicion that the person has the ability to detonate the explosive.

Effective Date

This bill becomes effective immediately upon the governor's signature