



## Louisiana Open Carry Awareness League April 2014 Newsletter

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### Upcoming Meetings:

**Northwest area** LOCAL is meeting Wednesday, April. 2nd at Southfield Grill, 1810 Benton Rd, Bossier at 6:30 pm.  
(Every first Wednesday of the month)

**Lake Charles Group** LOCAL meeting will be held at 530pm, Monday, 7 April 2014 at the Taco Bell in Moss Bluff. I have cleared the way with the Mrg. & she is anxious for us to hold our meeting in her store. That is now 3 different locations in Moss Bluff where we are welcome, plus Ci-Ci's in Lake Charles.

The **Southeast area** of LOCAL will meet at the IHOP restaurant, 220 Belle Terre Blvd, LaPlace, at 6:30 pm on Wed, April. 9, 2014.

The **Capital (Baton Rouge) area** LOCAL meet will be held on Wednesday, April 16, 2014 at 6:30pm at the IHOP on College Drive in Baton Rouge.

**Florida Parishes Chapter** of LOCAL will meet on the third Saturday of April (the 19th) at the IHOP in Covington, La at 6:30 pm. The IHOP is just off La 190 North of I-12. So come and meet up with some of LOCAL family.

More meetings will be announced as they are scheduled...

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### Gun Shows:

**Lake Charles Gun And Knife Show** at the Lake Charles Civic Center.  
Admission \$8 and Kids Under 12 Get In FREE!  
Times: Sat April 5th 9-5 Sun April 6th 9-4  
Location: Lake Charles Civic Center  
Address: Lakeshore Drive, Lake Charles, LA 70663

The **Lafayette Event Center Gun Show** will be held on April 12th - 13th, 2014 at the Lafayette Event Center. Show hours are Saturday 9:00am - 5:00pm and Sunday 10:00am - 5:00pm.  
Admission is Adult: \$8.00 and Children 6-11: \$2.00.

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### **LOCAL planning to be at August Gun Show:**

For quite some time we have discussed having a table at different gun shows around the state. Finally the time is near. LOCAL President Steve Raacke has put us down on the list of vendors requesting a table at the gun show scheduled for August 2nd and 3rd in Gonzales. We won't know for sure until after the show in May when the vendors at that show have finished reserving their tables for the following show if we will have a table. The event organizer stated that while those with tables in May will get to reserve their space for the August show, there is almost always open table space after everyone has finished their reservations. We are also the only ones so far who have been put on the waiting list so, since we are first, we will be the first to get to reserve any open spaces. We are only getting one table which also helps us get on the list. After the May show, when we know for sure, we will make final plans on getting LOCAL members to staff our table for the weekend. For details, information or to volunteer to work the table check into the discussion in our forum at: <http://laopencarry.org/forum/viewtopic.php?f=18&t=75>

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### **Monroe Area Coordinator Steps Down Due To Health:**

Life gets in the way sometimes and that looks to be the case for Leonard Clark who has been serving as our Monroe Area Coordinator. In March Mr. Clark decided he needed to concentrate on his health which included moving out of state.

Mr. Clark wrote,

"I have had to resign as Coordinator of Northeast Chapter of Local. I was hospitalized in December for a lung infection I was also told that my heart is in AFIB. Now I have two health issues, as a result I have two issues and being checked every three months. On the 13th of March I was told that my heart is in 100% AFIB. On the 26th I will be admitted to the hospital for this condition to be corrected. The procedure will involve stopping and restarting my heart. With health issues and my son and his wife wanting to move to Arkansas, I will have to move also. My daughter already lives in Little Rock. We have purchased a house and lot. We will be moving in about two weeks. However I will remain a member of LOCAL".

We wish Mr. Clark a speedy recovery and hope the move goes smoothly. It can't be easy being sick and then being faced with the move which is difficult in the best of times.

If we have a LOCAL member in the Monroe area who would like to take up the job of Area Coordinator and help organize meetings or events for that area now is the time to throw your hat into the ring.

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### **The Cost of OCing, \$6000 and Counting:**

In the January newsletter we told you of an Open Carrier who was arrested while OCing in his neighborhood Wal-Mart store. He was charged with a felony and several misdemeanor charges, had to bail himself out of jail and was suspended from his volunteer fire department. He contacted LOCAL and we recommended a lawyer who took his case.

Since then the felony charges were dropped but he was still facing two charges of Disturbing the Peace. His lawyer told him to plead guilty to the charges. The OCer was not happy with that and asked for further assistance. We recommended a different lawyer who we thought would do more for him. The OCer made a phone call, the new lawyer took the case and they are fighting the charges.

So far, with bond money and lawyer fees the OCer is out nearly \$6000 and is facing more time in court to beat the charges. If he wins he will certainly file a civil suit to recover his loses but he has already suffered heavily. All of this began when he was detained, disarmed and arrested while breaking no laws or store policies.

Keep in mind the risks which go with carrying a gun in public, especially if it is carried openly. We encourage citizens to exercise their rights but we also don't pretend that these sorts of things don't happen. Know the laws and your rights. If approached and/or detained by store security or Law Enforcement, don't argue or cause a scene. Answer any questions you are legally required to, determine if you are free to leave and if so, walk away. If not, invoke your right to answer questions after you have spoken to your lawyer. Have the phone number to a lawyer before this happens. Watch local new reports of gun related crimes and find out who the reputable criminal defense lawyers in your area are and make an appointment with one. Have a professional relationship with him or her BEFORE you need him.

Have his card in your wallet in case you are ever in a situation like the one we are discussing here. After you are detained and arrested is really too late.

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### **Loaded Carry Is Legal:**

Recently LOCAL received an email which read:

"Does the firearm have to be "unloaded" for open carry to be legal? Any information/education on "open carry" will be greatly appreciated, thank you,"

Later in the month we got a similar question from a different person...

"I was stopped the other day in Baton Rouge for open carry and the officer said that I was not allowed to have a round in the chamber. After arguing with him for a few minutes he let me go but what is the correction on this? I've seen several YouTube videos of people in other states open carrying without the gun being loaded. What's allowed in Louisiana?"

LOCAL is not aware of any law outside of some specific hunting regulations where a gun must be carried unloaded. Generally, if you are carrying a securely holstered pistol in public the weapon may be loaded and ready to be used.

There are some States which require a pistol be carried in a manner where it takes one or more steps or actions to make the weapon ready to fire. An example would be carrying the gun with a loaded magazine but no round in the chamber so that the slide must be cycled before it can be fired. Louisiana is not such a state.

Most police officers are probably aware of the right to carry your gun loaded but some may not be as up to speed on things. They may have read or heard somewhere that the gun has to be unloaded and assume that it is the case in Louisiana. It is also possible that the OCer may have encountered an officer who knew that loaded carry is allowed but who wanted, for one reason or another, to misinform the OCer on purpose. Not likely but we may never know. What we do know is that LOCAL

is doing what we can to educate the public, including members of Law Enforcement. You need to do your part and know the laws and be able to defend your actions in a calm and reasonable manner when questioned. Study the State Statutes. Look up your local city and Parish ordinances and make sure you are aware of any legal restrictions on your right to bear arms. Stay Safe and Carry On.

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### **Join LOCAL, No Gun Required:**

A recent email to LOCAL asked an interesting question.

"Can I join even if I don't have a handgun yet?"

LOCAL's Mission is to educate the public about the right to bear arms, specifically regarding Open Carry. We do this in a non-confrontational ways such as maintaining our website and discussion forum, posting on social media sites and placing pamphlets and fliers at pro-gun businesses. Anyone who is willing to support the LOCAL Mission is certainly welcome to join. More members mean we are able to reach more people. The dues we collect go directly to expenses such as paying website server fees or printing costs of pamphlets and other handouts. Just go to <http://www.laopencarry.org/join.shtml> and fill out the form there to join online. You can even mail a check in via the post office if you don't like paying online. We would like to have more members so even if you haven't purchased a gun yet, you can still be a LOCAL member.

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### **LOCAL Table at Gonzales Gun Show:**

LOCAL President and Capital Area Coordinator Steve Raacke has started the ball rolling on having a table at the Gonzales Gun Show. The shows are held at the Lamar Dixon Expo Center and we are working to get have a table for the show scheduled on August 2 and 3, 2014. We have put our name on a waiting list and if a table is available we will have first crack at it. We will know after the gun show in May. LOCAL members who want to work the table are welcome to volunteer. To keep up with what is going on or to work the gun show table just check in at the thread Steve started in the forum at:

<http://laopencarry.org/forum/viewtopic.php?f=18&t=75>

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### **No Permit = No Conceal Carry (Even On Your Own Property):**

LOCAL was sent an email with the following question-

"I know you can open carry on you own private property, BUT, can you conceal carry without a permit on my own property??"

Simply put the answer is **NO**. There is no exemption in state law with regards to conceal carry on private property. In fact, people have been charged with illegally concealing their firearm when on their property in Louisiana. Hard to believe? Just check out this article by LOCAL supporter and New Orleans based lawyer Owen Courreges: <http://uptownmessenger.com/2012/10/owen-courreges-reasonable-protection-for-gun-owners/>

The article starts off with this scenario...

"It's nighttime. You awake to a noise outside. Is it a prowler? You aren't sure. You grab a small pistol

from your nightstand and shove it in your pocket as you proceed out to your driveway to investigate the disturbance. If it's nothing, you reason, you don't want to be walking around in plain view with a gun in your hand.

Congratulations. You just committing the crime of carrying a weapon illegally, and you did it without ever leaving your own property.

This is what the Louisiana First Circuit held in *State v. Young* in 1985. La. Rev. Stat. 14:95 prohibits "[t]he intentional concealment of any firearm, or other instrumentality customarily used or intended for probable use as a dangerous weapon, on one's person." There are no exceptions to this in the statute, not even for carrying a firearm in your own home or on your own property."

It goes on to discuss the realities of carrying concealed in Louisiana on your own property including discussing the *Young* case. Don't get caught up in a legal minefield. Know the laws and the restrictions you face when you choose to bear arms. Carry responsibly and legally.

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### **LOCAL Member/Lawyer Looking For Test Cases:**

LOCAL has been working to build a list of gun friendly lawyers to assist our members when needed. In March one of our members contacted us with the following email:

"LOCAL's March newsletter mentions that you are still looking for gun friendly lawyers. I am one, so here's my information:

Bradley Allen Pierson, Attorney at Law

(985) 467-9211

<http://bradleyallenpierson.com>

[bradley@bradleyallenpierson.com](mailto:bradley@bradleyallenpierson.com)

No physical office. Meetings by appointment.

Late hours available.

I'm a solo practitioner with a general civil practice. I live in Ponchatoula and I am licensed to practice law in Louisiana only. I'm mostly 21st JDC (Tangipahoa, Livingston, St. Helena), which your list seems to be currently missing, and I also do some work in Baton Rouge. Wills and successions provide most of my clients; litigation provides most of my hours. I have appellate experience. I do not do criminal defense, and would only be able to refer such a matter out, but I've made a point of being prepared for every type of gun-related civil litigation I could come up with.

As far as gun group memberships go, I've been a LOCAL member for a while now, having started with OCDO back before law school. Drove to classes past a gun free sign, hoping to one day have it removed. Also an NRA Lifetime member, but I've been around long enough to know that's hardly evidence of a strong pro-gun mindset.

On a different note, as I previously mentioned to Steve Raacke, I'm looking at challenging the constitutionality of the 1,000 foot radius in La. R.S. 14:95.2(A) and 14:95.5's prohibition in non-bar alcohol serving restaurants as applied to OC. (Schools and bars, while part of the same statutes, are a tougher sell, don't possess the chilling factor of ambush, and involve a different line of legal reasoning because they operate as full bans, so I'd not put them in the same suit.) To do this I need plaintiffs with standing, and I'm hoping LOCAL has some of them. Both of those laws are currently CC compatible in the areas I'm targeting, which means that anyone with a permit is going to be facing merely a prohibition on a particular manner of carry. Strict scrutiny is still supposed to apply,

but "just put a jacket on" is too tempting an out to offer a court. In order to challenge the laws as an outright bar I need people who don't have CHPs and, preferably, cannot get them for innocuous reasons. This means people ages 18-20. Optimally, I'd like one each of women/physically handicapped, military, and police to round out the set (need, expertise, and consistency, respectively), all 18-20. On the restaurant angle, having someone who runs a steakhouse or similar business, occasionally serves wine, and is annoyed at the state for prohibiting customers from carrying when 100% sober (and perhaps no alcohol has even been served to anyone that night) would showcase the state's bullheaded intrusiveness rather well. I can raise it as a hypo regardless, but if we have such a restaurant owner as a party that would really drive it home. I'm also interested in listing LOCAL itself as a plaintiff; short explanation is that LOCAL, operating for its purpose of advancing OC, has standing if even one of its members does."

If you think you think you have standing in a case like the ones presented above feel free to contact Mr. Pierson and get things going. LOCAL would be glad to see some of these restrictions erased from the books.

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### **Treasurer's Report:**

Current treasury holdings,  
CHASE Banking: \$2,118.72  
PayPal: \$737.50

Secretary/Treasurer Philip H.

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### **From the VP:**

First off I would like to thank President Steve Raacke for his submissions this month as they make up, by far, the majority of this newsletter!

I don't have a whole lot to contribute this month other than to note that at tonight's Shreveport/Bossier Meet & Eat we will discuss:

- Discuss OCer arrested at Houma Wal-Mart
- Discuss [Rep. Ivey's HB No. 520](#)
- Discuss [Rep. Ivey's HB No. 494](#)

We could really use more members! *PLEASE* consider renewing your \$10 yearly LOCAL dues when they come due.

Speedy Mercer  
LOCAL VP, NW Chapter President & Webmaster

**NRA**

*Freedom through  
Strength*

**JOIN TODAY  
SAVE \$10!**