



*Open Carry is Legal
in Louisiana!*



Louisiana Open Carry Awareness League September 2014 Newsletter

Upcoming Meetings:

The **Northwest** area LOCAL is meeting Wednesday, September 3 at Southfield Grill, 1810 Benton Rd, Bossier at 6:30 pm.

The **Lake Charles** Group will meet at Taco Bell in Moss Bluff, La. at 530pm Tuesday 16 Sep 14

Florida Parishes September meeting will be at our regular place, the IHOP off of LA-190 Just North of I-12 in front of Office Depot. Meet up at 6:30pm on Saturday the 20th.

***NOTE:** I haven't heard from any of our meeting organizers yet this month. When I hear from them, I will post their meeting dates, times and locations.*

Gun shows for September 2014

Sept 6 and 7- **Gonzales**, La at Lamar Dixon Expo Center

Sept 6 and 7- **Monroe**, La at Monroe Civic Center

Sept 13 and 14- **Mandeville**, La at Castine Center

Sept 20 and 21- **Kenner**, La at Ponchatrain Center

Gun shows for October 2014

Oct 15 and 16 - **Lake Charles**, LA at the Lake Charles Civic center

LOCAL Gun Show Table in Gonzales Sept 6 and 7

LOCAL was pleased to have a table at the Gonzales Gun and Knife Show on August 2 and 3. We met several people who follow us on social media and even a few LOCAL members. The vendors were friendly and we made several new friends. We talked to lots of people who stopped by our table to learn about their rights to bear arms. As we have encountered at past shows, many were unaware that they could legally open carry in our state.

To reach more people and continue our mission of making the public aware of the right to open carry in Louisiana, LOCAL will have a table at the next Gonzales Gun Show scheduled for September 6 and 7. Our table may not be fancy or

have a bunch of eye candy but we have our informational pamphlets and their Guns Save Lives stands as well as our business cards. We give these out to interested visitors so they can learn more about their rights as well as what LOCAL has been doing since 2009.

If you plan on going to the Gonzales Gun Show please stop by and say hi. We would love to meet you.

The Importance of Knowing About Preemption

Louisiana has a reputation for being a very gun friendly state. Some may argue that compared to many states we do have less restrictions than some but we still have a long way to go compared to others. Louisiana has many laws on the books regulating where you can legally carry your firearm. Some of the most restrictive laws are at the local city or parish level. How can that be you ask?

The answer is that Louisiana only has partial preemption when it comes to gun laws. Any local ordinances on the books before the State wide preemption law was passed in July 1985 were grandfathered in. This is why municipalities such as the City of Abbeville can ban people from carrying guns. It is important that you research your city and parish ordinances to ensure that there are no "legal landmines" still on the books where you intend to carry your firearm.

The State preemption law is RS 40:1796 and reads in part-

"A. No governing authority of a political subdivision shall enact after July 15, 1985, any ordinance or regulation more restrictive than state law concerning in any way the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition; however, this Section shall not apply to the levy and collection of sales and use taxes, license fees and taxes and permit fees, nor shall it affect the authority of political subdivisions to prohibit the possession of a weapon or firearm in certain commercial establishments and public buildings."

Source: <http://www.legis.state.la.us/lss/lss.asp?doc=97860>

Keep this in mind as you read the next couple of articles.

Opelousas PD Says No Open Carry, Cites Conceal Carry Law

Late last month LOCAL learned that an Open Carrier was told by an Opelousas Police Officer that citizens were not allowed to Openly Carry firearms in the city of Opelousas. LOCAL contacted the Public Information Officer for Opelousas PD, Sgt Jody White asking for clarification of the law that they said bans Open Carry in Opelousas. We received the following reply,

*"LOCAL,
Due to recent nationwide developments regarding the open carry of firearms and inquiries by the general public, I did a little research to help aid in your response to the public if questioned.*

*LARS 14:95 is the statute that clearly defines the illegal carrying of a weapon. Attorney General Opinion No. 78-0795 states that there are no Louisiana state statutes that prohibit the open carry of firearms, **BUT, City Ordinance Section 18-10** prohibits "a weapon or weapons concealed on or about the person". This would mean that one Cannot carry a weapon on his/her body. This will not pertain to legally issued "Louisiana conceal carry permits" that, under Louisiana Law, must be concealed. This ordinance does not allow any other carrying of a weapon.*

*Some will cite "LARS 40:1796 Preemption of state law" that they will use as justification to nullify local ordinance. That preemption statute is Date Specific as of July 15, 1985 and does NOT nullify the Opelousas City Ordinance due to the fact that LOCAL ORDINANCE **PREDATES the preemption** clause in that statute. They fail to include that little detail in "Frequently Asked Questions". If you encounter questions regarding open carry, you should advise the public that they*

need to check local ordinances for open carry laws before making a decision to open carry. This jurisdiction prohibits open carrying of a weapon.

Contact the City of Opelousas Records Section at 337-948-2520 for copies of City Ordinances."

So we contacted the city Records Department and received this copy of their 18-10 code-

"18-8.1 OPELOUSAS CODE § 18.10

Sec. 18-10. Weapons-Carrying concealed.

Whoever shall carry within the corporate limits of the city, a weapon or weapons concealed on or about the person, such as pistols, bowie knives, dirks, razors, or any other dangerous weapons, shall on conviction thereof, suffer fine or imprisonment, the fine not to be less than fifty dollars (\$50.00), nor more than one hundred dollars (\$100.00), and imprisonment not to be less than ten (10) days nor more than thirty (30) days, or both such fine and imprisonment at the discretion of the city judge, provided that the provisions of this section shall not apply to sheriffs, and their deputies, constables, city police officers and the city marshal, when in the actual discharge of their official duties. (Ord. No. 1, § 1,1-19-23)"

The code that Officer White cites clearly covers only the carrying of CONCEALED weapons. This law has nothing to do with openly carrying a firearm or other weapon. Officer White and the Opelousas PD are using an old law banning people from carrying concealed weapons to prevent the lawful exercise of open carry. This is dishonest and corrupts the law as it is written.

Officer White also made the point to state that some fail to address preemption in FAQs and tells us that we should advise the public to check local ordinances before open carrying. Since 2009 LOCAL has been making citizens aware of the right to open carry in Louisiana. We have always advised citizens to research local and parish laws as well as State laws. We have addressed the partial preemption that we live under numerous times. We find it hypocritical that a Law Enforcement Officer who is misapplying a city ordinance to ban a constitutionally protected right feels it is necessary to remind us to tell people about following the law.

LOCAL encourages you to stand up for your rights. Contact the Opelousas Police Chief, the Mayor and City Council members and tell them that illegally enforcing a ban on the constitutional right to openly carry a firearm for self defense puts citizens in danger from criminals as well as police officers who are enforcing this ban. Citizens not only face being detained or arrested but could be injured or killed by responding officers. The City could be subjected to lawsuits resulting from arrests under this ordinance. Tell the officers of the Opelousas Police Department that they are wrong and you know better.

Judge Rules Baton Rouge Ordinance Is Unconstitutional

Just like in Opelousas we have local police citing laws from before preemption as the basis for banning guns. In this case it was Baton Rouge PD who stopped Ernest Taylor in October 2014 for pulling out of a lounge and not turning on his headlights. After he was pulled over, officers found 3 rifles in Mr. Taylor's car and arrested him under a 50 year old city ordinance which bans firearms anywhere that alcohol is sold or consumed, including the parking lots of those businesses.

Mr. Taylor sued on the basis that current law allows citizens to store their firearms in their vehicle when in the parking lot of places which serve alcohol.

In August a federal judge ruled against the police officers, ordered the return of Mr. Taylor's firearms, granted monetary damages and bars the ordinance from being enforced in the future.

This ruling does not mean that we can carry into bars but it does reaffirm the right to lock your guns in your vehicle in the parking lot while you are in a bar or similar establishment.

How this will play out regarding citizens who open carry in Baton Rouge stores which sell alcohol remains to be seen. We recommend that you read more about this case at: <http://theadvocate.com/home/10089316-125/federal-judge-strikes-down-br>

Plaintiffs Needed For NFA Lawsuit

Attorney Morgan Allison contacted LOCAL in August and asked us to pass along the following information. "I was recently contacted by a lawyer with the Firearms Industry Consulting Group. They want to challenge the rule that you need a CLEO to sign off on a Form 1 or Form 4 for a NFA transfer. He thinks Louisiana would be a good place to challenge it, because here we define CLEO as being the Sheriff of the parish. (There may be some nuances to that. I haven't done a lot of research on it.)

He asked me to find people who would be willing to be plaintiffs in a test case. They need people who collect, own, or would care to acquire NFA-regulated firearms.

If anyone is interested in taking part in this, let me know, and I'll pass your information along to the FICG guy.

[I set up a form for this.](#)

Protect Yourself Before and After An Arrest

This issue of the LOCAL newsletter has highlighted several legal issues which anyone carrying a firearm should be aware of. You may never even fire your gun yet find yourself in jail, facing losing your job and everything you worked for as legal bills pile up. LOCAL has been telling people since 2009 that in addition to your firearm, you need the business card of a reputable criminal defense lawyer. You need to find a local attorney who can take your call to begin your defense against anything from a self defense shooting to an arrest for carrying your gun in a place the police say are off limits. LOCAL has built a list of a few pro-gun attorneys which you can use to find someone in your area to help you should you need legal counsel. That list is on our discussion forum at- <http://laopencarry.org/forum/viewtopic.php?f=37&t=10> If you know a lawyer who you would recommend to a friend if they need help after a self defense shooting or an arrest for carrying their firearm please let us know and we can add them to the list.

In addition to finding a good attorney to come to your defense you need to consider how you are going to pay for those legal services. A typical case could start at \$10,000 and go into the millions. One place to start would be a legal defense fund of some type. There are some "pre-paid legal" services and some insurance policies which refund your legal expenses after you win your case in a self defense shooting. Probably the best option would be the Armed Citizen Legal Defense Network, <http://www.armedcitizensnetwork.org/>. If you find yourself in need of legal help you can contact the ACLDN hotline and have money sent to the lawyer of your choice to begin your defense. Unlike most other "gun policies" the ACLDN isn't just for times when you had to pull the trigger. In fact, the four cases the ACLDN has assisted on did not involve a shot being fired. Founded by trainer Marty Hayes along with Massad Ayoob, Dennis Tueller and Tom Givens to name a few, ACLDN provides it's members with training in the form of several DVDs sent to you when you sign up, a monthly newsletter and expert legal help to your attorney should you need it. To see what the ACLDN can do for you and compare it to other "self defense legal services" look at: <http://www.armedcitizensnetwork.org/buyersguide>.

Whatever you decide, take the time to sit down with an attorney, explain your background and training and concerns. Develop a professional relationship with someone who will speak for you when it is time for you to Remain Silent.

Lake Charles Area Coordinator Riley Belile Busy In SWLA

LOCAL is an all volunteer organization. We depend on our members to help us tell others about LOCAL and educate them about the legal right to Open Carry. We don't do "events", "armed marches" or put up YouTube videos of members shouting "I Will Not Comply" or "Am I Being Detained". We network with businesses who allow us to display our informational pamphlets and business cards on their counters and we get permission from staff of gun shows to hand out our pamphlets. We also contact police agencies and tell them about our organization and our mission.

A good example of positive, non-confrontational Open Carry education is the work being done by our Lake Charles Area Coordinator Riley Belile. Since joining LOCAL Riley has been busy hosting monthly meet-ups and reaching out to the community. In August Riley reported,

"Today, 19 Aug., I visited with the Iowa Police Dept. I explained our group's mission & assured them we were not the "You-Tube Boys." They stated that they abide by the Louisiana statutes & would not harass us, but just be aware of the business owner's request. I felt we have a complete understanding, but I have not OC'd in Iowa, so have no first hand knowledge. Time will tell because I plan on a shopping trip later this year to check out the situation first hand. I left several handouts & my contact information. I do not expect a call. That completes my area police dept. visits. Sulphur, Westlake, Lake Charles & the Calcasieu parish sheriff will all be visited again next year & every year thereafter as long as i am active with this group. So far I have not had any negative responses to my Open Carry. Life is good."

Later in the month Riley reported,

"Gun show in Lake Charles last weekend went great. I put a tri-fold stand where folks filled out the drawing cards & passed them out as others approached the door. Lots & lots of folks were amazed Open Carry is legal. Passed out a few to law enforcement types also. There will be another gun show in November & I plan on being there doing the same thing."

Great work and many thanks to Riley. We welcome anyone who wants to support efforts such as those done by this dedicated member. If all you want to do is pay your dues and read the newsletter or forum each month that's fine. If you want to step up to help with putting out materials or working a gun show table that's even better. LOCAL is glad to have you. If you are not yet a LOCAL member but want to help us out please go to <http://www.laopencarry.org/index.shtml> and click on the Join/Donate tab on the top right side of the screen. It only costs \$10 a year and every cent goes into the efforts you read about here each month. If you are not a NRA member and want to join that organization too you can bundle your membership and join NRA for \$25 and get a LOCAL membership for free.

A big *thank you* to our President Steve Raacke for getting the data for this month's newsletter together!

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