

Office of the Attorney General  
State of LOUISIANA

Opinion No. 78-1288  
September 29, 1978

47-A FIREARMS

An off duty deputy sheriff cannot carry a concealed weapon beyond the parish where he is commissioned without a permit by the State Police superintendent.  
R.S. 14:95 & R.S. 40:1379.1

Hon. Huntington B. Downer, Jr.  
State of LOUISIANA  
House of Representatives  
District 52  
P. O. Box 7015  
Houma, LA 70361

Dear Mr. Downer:

This office is in receipt of your recent letter requesting an opinion. Your question, as I appreciate it, is as follows:

Whether a deputy sheriff or other law enforcement officer of a parish can carry his weapon off duty beyond the parish where he is commissioned?

Pursuant to R.S. 14:95 it is illegal for a private citizen to carry a concealed weapon, but deputy sheriffs, among certain other designated law enforcement officers, are excepted. However, beyond the territorial limits of his jurisdiction an off duty deputy sheriff would be governed by the same laws as every other citizen.

Therefore, it must be concluded a deputy sheriff could not legally carry a concealed weapon while off duty and outside of his parish unless he has received a concealed hand gun permit from the superintendent of state police as set forth in R.S. 40:1379.1.

Of course, it is pertinent to observe that any citizen may bear arms that are not concealed. In this regard the LOUISIANA Supreme Court ruled in *State v. Fluker*, 311 So. 2d 863, that a weapon is not concealed, even if not in full, open view, if it is sufficiently exposed to reveal its identity. Thus, a gun in a holster on one's hip is not illegal.

We hope this sufficiently answers your question but if we may be of further assistance, please do not hesitate to contact us.

Sincerely yours,

William J. Guste, Jr  
Attorney General

By: Barbara B. Rutledge  
Assistant Attorney General  
La. Atty. Gen. Op. No. 78-1288, 1978 WL 32438 (La.A.G.)  
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