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DEPARTMENT OF JUSTICE
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December 23, 2015
OPINION 15-0138

The Honorable Darrell P. Chiasson
Justice of the Peace
District 4, St. Charles Parish
145 Dixie Drive
Des Allemands, LA 70030

47-A FIREARMS & FIREWORKS
57 JUSTICES OF THE PEACE & CONSTABLES

La. R.S. 14:95
La. R.S. 40:1379.3

A justice of the peace, who is qualified annually in the use of firearms by the Peace Officer Standards and Training Council, may carry a concealed weapon in his own courtroom when court is being held at the justice of the peace's private residence.

Dear Mr. Chiasson:

You have requested an opinion of the Attorney General wherein you ask whether a justice of the peace may carry a concealed weapon in his own courtroom when the justice of the peace holds court at his private residence. Additionally, you would like to know if a justice of the peace may prohibit a concealed carry permittee from bringing a weapon into his residence when it is used as his courtroom.¹ Your request has been assigned to me for reply.

In response to your first question, we turn your attention to La. R.S. 14:95(H), which provides that a justice of the peace may carry a concealed weapon, provided he is qualified annually in the use of firearms by the Peace Officer Standards and Training Council.

Additionally, we must look at La. R.S. 40:1379.3 to determine whether or not a justice of the peace may carry a concealed weapon in his private residence when the residence is being used as the justice of the peace courtroom. La. R.S. 40:1379.3(N)(3) provides that no concealed handgun may be carried into, and no concealed handgun permit issued, shall authorize or entitle a permittee to carry a concealed handgun into a courthouse or courtroom. Nevertheless, La. R.S. 40:1379.3(N)(3) further provides that a judge may carry such a weapon in his own courtroom.

Justice of the peace courts are constitutional offices exercising the judicial power of the State of Louisiana, and presiding justices of the peace are judges within the contemplation of the law.² Therefore, the provisions of La. R.S. 40:1379.3(N)(3) which reference a "judge" also apply to justices of the peace. Thus, it is the opinion of this

¹ We note this opinion does not address whether a justice of the peace may prevent a person from openly carrying a firearm into a private residence, which would be a separate issue.

² La. Const. Art. 5, § 20 (1974); *Quarles v. Jackson Parish Police Jury*, 482 So. 2d 833 (2nd Cir. 1986); *In Re. Wilkes*, 403 So.2d 35 (La.1981).

office that a justice of the peace may carry a concealed weapon at his private residence when using it as his courtroom.

We now turn to your second question wherein you ask whether a justice of the peace may prohibit a concealed carry permittee from bringing a concealed weapon into his residence when it is being used as the justice of the peace courtroom. La. R.S. 40:1379.3(O) addresses the ability of private property owners to prohibit carrying concealed firearms on their premises by persons who possess a statewide license to carry. La. R.S. 40:1379.3(O) provides as follows:

The provisions of Subsection N of this Section shall not limit the right of a property owner, lessee, or other lawful custodian to prohibit or restrict access of those persons possessing a concealed handgun pursuant to a permit issued under this Section. No individual to whom a concealed handgun permit is issued may carry such concealed handgun into the private residence of another without first receiving the consent of that person.

Based on the foregoing, a justice of the peace may prevent a concealed carry permittee from carrying a concealed weapon into his residence when the residence is being used as the justice of the peace courtroom.

In conclusion, it is the opinion of this office that a justice of the peace may carry a concealed weapon at his private residence while it is being used as his courtroom. Additionally, a justice of the peace may prevent a concealed carry permittee from carrying a concealed weapon into his residence when the residence is being used as the justice of the peace courtroom.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

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