

2022 Regular Session

HOUSE BILL NO. 365

BY REPRESENTATIVE SEABAUGH

WEAPONS/FIREARMS: Designates the crime of possession of a firearm by a felon as a crime of violence

1 AN ACT

2 To amend and reenact R.S. 14:95.1(D) and to enact R.S. 14:2(B)(29) and 95.1(E), relative
3 to crimes of violence; to create the crime of possession of firearm or carrying
4 concealed weapon by a person convicted of certain felonies a crime of violence; to
5 provide for an effective date; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95.1(D) is hereby amended and reenacted and R.S. 14:2(B)(29)
8 and 95.1(E) are hereby enacted to read as follows:

9 §2. Definitions

10 * * *

11 B. In this Code, "crime of violence" means an offense that has, as an
12 element, the use, attempted use, or threatened use of physical force against the
13 person or property of another, and that, by its very nature, involves a substantial risk
14 that physical force against the person or property of another may be used in the
15 course of committing the offense or an offense that involves the possession or use
16 of a dangerous weapon. The following enumerated offenses and attempts to commit
17 any of them are included as "crimes of violence":

18 * * *

Present law provides relative to the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies. Present law further provides that it is unlawful for any person who has been convicted of a "crime of violence," as defined in present law, when that crime is a felony, to possess a firearm or carry a concealed weapon.

Proposed law retains present law.

Present law provides that a "crime of violence" is an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense, or an offense that involves the possession or use of a dangerous weapon. Present law further designates certain present law offenses and attempts to commit any of those offenses as "crimes of violence".

Proposed law retains present law and adds the present law crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies to the list of crimes of violence, reversing the removal of this crime from the list of crimes of violence by Acts 2017, No. 281, §3, eff. 8/1/17.

Proposed law provides that except for drug offenses in violation of the Uniform Controlled Dangerous Substance Law that are punishable by a sentence of imprisonment at hard labor for 10 years or less, if any offense listed in present law is a predicate offense for a prosecution under present law and the offender uses, possesses, or has under his immediate control any firearm while having been convicted of a prior felony, then the conviction shall be designated as a crime of violence.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 14:95.1(D); Adds R.S. 14:2(B)(29) and 95.1(E))