HLS 22RS-805 ORIGINAL

2022 Regular Session

HOUSE BILL NO. 365

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BY REPRESENTATIVE SEABAUGH

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

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":

1	(29) Possession of firearm or carrying concealed weapon by a person
2	convicted of certain felonies, when the predicate felony offense is enumerated in
3	R.S. 14:95.1(D).
4	* * *
5	§95.1. Possession of firearm or carrying concealed weapon by a person convicted
6	of certain felonies
7	* * *
8	D. Except for drug offenses in violation of the Uniform Controlled
9	Dangerous Substance Law that are punishable by a sentence of imprisonment at hard
10	labor for ten years or less, if any offense listed in Subsection A of this Section is a
11	predicate offense for a prosecution under this Section and the offender uses,
12	possesses, or has under his immediate control any firearm while having been
13	convicted of a prior felony, then the conviction shall be designated as a crime of
14	violence.
15	E. For the purposes of this Section, "firearm" means any pistol, revolver,
16	rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle
17	which is designed to fire or is capable of firing fixed cartridge ammunition or from
18	which a shot or projectile is discharged by an explosive.
19	Section 2. This Act shall become effective upon signature by the governor or, if not
20	signed by the governor, upon expiration of the time for bills to become law without signature
21	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
22	vetoed by the governor and subsequently approved by the legislature, this Act shall become
23	effective on the day following such approval.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 365 Original

2022 Regular Session

Seabaugh

Abstract: Designates the crime of possession of a firearm by a felon as a crime of violence.

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

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

Proposed law retains present law.

<u>Present law</u> 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. <u>Present law</u> further designates certain <u>present law</u> offenses and attempts to commit any of those offenses as "crimes of violence".

<u>Proposed law</u> retains <u>present law</u> and adds the <u>present law</u> 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.

<u>Proposed law</u> 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 <u>present law</u> is a predicate offense for a prosecution under <u>present law</u> 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))