SLS 22RS-634

ORIGINAL

2022 Regular Session

SENATE BILL NO. 393

BY SENATOR WHITE

WEAPONS. Designates the crime of possession of a firearm by a felon as a crime of violence. (gov sig)

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 designate the crime of possession of firearm or carrying
4	concealed weapon by a person convicted of certain felonies as a crime of violence;
5	to 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":

Page 1 of 3 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

1	* * *
2	(29) Repealed by Acts 2017, No. 281, §3, eff. August 1, 2017. Possession of
3	firearm or carrying concealed weapon by a person convicted of certain felonies,
4	when the predicate felony offense is enumerated in R.S. 14:95.1(D).
5	* * *
6	§95.1. Possession of firearm or carrying concealed weapon by a person convicted
7	of certain felonies
8	* * *
9	D. Except for drug offenses in violation of the Uniform Controlled
10	Dangerous Substance Law that are punishable by a sentence of imprisonment
11	at hard labor for ten years or less, if any offense listed in Subsection A of this
12	Section is a predicate offense for a prosecution under this Section and the
13	offender uses, possesses, or has under his immediate control any firearm while
14	having been convicted of a prior felony, then the conviction shall be designated
15	as a crime of violence.
16	$\underline{\mathbf{E}}$. For the purposes of this Section, "firearm" means any pistol, revolver,
17	rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle
18	which is designed to fire or is capable of firing fixed cartridge ammunition or from
19	which a shot or projectile is discharged by an explosive.
20	Section 2. This Act shall become effective upon signature by the governor or, if not
21	signed by the governor, upon expiration of the time for bills to become law without signature
22	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
23	vetoed by the governor and subsequently approved by the legislature, this Act shall become
24	effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 393 Original

2022 Regular Session

White

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

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present law, 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 will 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))