

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 * * *

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 while committing any offense enumerated in present law (R.S. 14:2(B)) to the list of crimes of violence.

Proposed law provides that if any crime used as a predicate offense under proposed law is a crime of violence as defined by present law (R.S. 14:2(B)) and the offender uses, possesses, or has under his immediate control any firearm while committing another offense as defined in present law, a conviction under proposed law 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))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Remove the reference to drug offenses that violate the Uniform Controlled Dangerous Substance Law.
2. Add language that provides for the designation of a conviction in scenarios where the predicate offense is a crime of violence.