

GREEN SHEET REDIGEST

HB 357

2018 Regular Session

Marcelle

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

**WEAPONS/FIREARMS: Prohibits a person convicted of a hate crime from possessing a firearm or carrying a concealed weapon**

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DIGEST

Present law (R.S. 14:107.2) prohibits any person who engages in certain enumerated offenses from selecting the victim of the offense because of that person's actual or perceived race, age, gender, color, religion, ancestry, national origin, disability, creed, sexual orientation, or organizational affiliation, or if the victim is selected based upon their actual or perceived employment as a law enforcement officer, firefighter, or emergency medical services personnel. For persons who violate this prohibition, also known as a "hate crime", present law provides criminal penalties.

Proposed law retains present law and prohibits persons convicted of a hate crime under present law (R.S. 14:107.2), if the underlying offense for the hate crime is a felony, from possessing a firearm as defined by proposed law or from carrying a concealed weapon for a period of ten years from the date of completion of sentence, probation, parole, or suspension of sentence.

Proposed law further provides that persons who violate these provisions of proposed law may be imprisoned with or without hard labor for not more than five years and may be fined not less than \$500 nor more than \$1,000.

Proposed law provides that a person shall not be considered to have been convicted of a hate crime unless the person was represented by counsel in the case, or knowingly and intelligently waived the right to counsel in the case; and in the case of a prosecution for an offense for which a person was entitled to a jury trial in the jurisdiction in which the case was tried, either the case was tried by a jury, or the person knowingly and intelligently waived the right to have the case tried by a jury, by guilty plea or otherwise.

In addition, proposed law provides that a person shall not be considered convicted of a hate crime if the conviction has been expunged, set aside, or is an offense for which the person has been pardoned or had civil rights restored unless the pardon, expungement, or restoration of civil rights expressly provides that the person may not ship, possess, or receive firearms.

(Adds R.S. 14:95.11)

Summary of Amendments Adopted by House

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

- 1. Limit the application of proposed law to persons convicted of a hate crime whose underlying offense for the hate crime is a felony.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the engrossed bill

- 1. Delete mandatory minimum sentence of imprisonment from proposed law.
- 2. Make sentencing under proposed law discretionary with the court.