

2021 Regular Session

HOUSE BILL NO. 326

BY REPRESENTATIVE PHELPS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/HANDGUNS: Provides relative to illegal possession of a handgun by a juvenile

1 AN ACT

2 To amend and reenact R.S. 14:95.8(A) and to enact R.S. 14:95.8.1, relative to the illegal  
3 possession of handguns; to provide relative to the illegal possession of a handgun by  
4 a juvenile; to provide relative to the elements of the offense regarding the form of  
5 possession; to remove the requirement that the handgun be possessed by the  
6 offender's person in order for the offense to apply; to create the crime of possession  
7 of a firearm or carrying of a concealed weapon by a juvenile on probation or parole;  
8 to provide for elements; to provide for penalties; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 14:95.8(A) is hereby amended and reenacted and R.S. 14:95.8.1 is  
11 hereby enacted to read as follows:

12 §95.8. Illegal possession of a handgun by a juvenile

13 A. It is unlawful for any person who has not attained the age of eighteen  
14 years knowingly to possess any handgun ~~on his person~~. Any person possessing any  
15 handgun in violation of this Section commits the offense of illegal possession of a  
16 handgun by a juvenile.

17 \* \* \*

18 §95.8.1. Possession of a firearm or carrying of a concealed weapon by a juvenile on  
19 probation or parole

20 A. It is unlawful for a juvenile who has been placed on probation or parole  
21 to possess a firearm or carry a concealed weapon while on probation or parole.

1           B. On a first or subsequent conviction, the offender shall be fined not less  
2           than five hundred dollars and not more than one thousand dollars and shall be  
3           imprisoned with or without hard labor for not less than six months and not more than  
4           five years. At least ninety days shall be served without benefit of probation, parole,  
5           or suspension of sentence.

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## 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)]

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HB 326 Original

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**Abstract:** Removes the requirement that the handgun be possessed on the offender's person in order for the crime of illegal possession of a handgun by a juvenile to apply, creates the crime of possession of a firearm or carrying of a concealed weapon by a juvenile on probation or parole, and provides elements and criminal penalties for the offense.

Present law prohibits any person who has not attained the age of 18 years from knowingly possessing any handgun on his person.

Present law provides certain criminal penalties and exceptions to the offense.

Proposed law retains present law but removes the requirement that the handgun be possessed on the offender's person in order for the offense to apply.

Proposed law provides that it is unlawful for a juvenile who has been placed on probation or parole to possess a firearm or carry a concealed weapon while on probation or parole.

Proposed law also provides that on a first or subsequent conviction, the offender shall be fined not less than \$500 and not more than \$1000 and shall be imprisoned with or without hard labor for not less than six months and not more than five years.

Proposed law specifies that at least 90 days of the term of imprisonment shall be served without benefit of probation, parole, or suspension of sentence.

(Amends R.S. 14:95.8(A); Adds R.S. 14:95.8.1)