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 present law, when that crime is a felony, to possess a firearm or carry a concealed weapon.

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 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.

Proposed law 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 present law is a predicate offense for a prosecution under present law 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))