
DIGEST

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HB 365 Reengrossed

2022 Regular Session

Seabaugh

Abstract: Designates the crime of possession of a firearm by a felon as a crime of violence.

Present law (R.S. 14:95.1) provides relative to the crime of possession of a 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 (R.S. 14:2(B)) 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 in violation of proposed law (R.S. 14:95.1(D)) 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.

The House Floor Amendments to the engrossed bill:

1. Add language that clarifies that the possession of a firearm or carrying of a concealed weapon by a person convicted of certain felonies is an enumerated crime of violence.