

GREEN SHEET REDIGEST

HB 365

2022 Regular Session

Seabaugh

**WEAPONS/FIREARMS: Designates the crime of possession of a firearm by a felon as a crime of violence**

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DIGEST

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 a violation of present law relative to felon in possession is committed during the commission of a crime of violence, then the violation of present law will also be designated 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.

Summary of Amendments Adopted by Senate

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

1. Clarify proposed law relative to which offenses will be designated a crime of violence.
2. Make technical changes.