ENROLLED

2022 Regular Session

HOUSE BILL NO. 365

BY REPRESENTATIVES SEABAUGH, ADAMS, BACALA, BRYANT, CARRIER, CORMIER, CREWS, EDMONDS, EDMONSTON, FIRMENT, FONTENOT, GADBERY, GAROFALO, HORTON, TRAVIS JOHNSON, CHARLES OWEN, PRESSLY, SCHAMERHORN, AND VILLIO

AN ACT

To amend R.S. 14:95.1(D) and to enact R.S. 14:2(B)(29) and 95.1(E), relative to crimes of violence; to create the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies a crime of violence; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1.  R.S. 14:95.1(D) is hereby amended and reenacted and R.S. 14:2(B)(29) and 95.1(E) are hereby enacted to read as follows:

§2.  Definitions

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B.  In this Code, "crime of violence" means 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. The following enumerated offenses and attempts to commit any of them are included as "crimes of violence":

*          *          *
(29) Possession of a firearm or carrying of a concealed weapon by a person
convicted of certain felonies in violation of R.S. 14:95.1(D).

§95.1. Possession of firearm or carrying concealed weapon by a person convicted
of certain felonies

D. If a violation of this Section is committed during the commission of a
crime of violence as defined in R.S. 14:2(B), and the defendant has a prior
conviction of a crime of violence, then the violation of this Section shall be
designated as a crime of violence.

E. For the purposes of this Section, "firearm" means any pistol, revolver,
rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle
which is designed to fire or is capable of firing fixed cartridge ammunition or from
which a shot or projectile is discharged by an explosive.

Section 2. This Act shall become effective upon signature by the governor or, if not
signed by the governor, upon expiration of the time for bills to become law without signature
by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
vetoed by the governor and subsequently approved by the legislature, this Act shall become
effective on the day following such approval.