

2016 Regular Session

HOUSE BILL NO. 223

BY REPRESENTATIVE TERRY LANDRY

WEAPONS/FIREARMS: Provides with respect to illegal carrying of weapons

1 AN ACT

2 To amend and reenact R.S. 14:95(E), relative to the illegal carrying of weapons; to provide  
3 relative to felony penalty provisions of possession of a firearm while in the  
4 possession of a controlled dangerous substance; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:95(E) is hereby amended and reenacted to read as follows:

7 §95. Illegal carrying of weapons

8 \* \* \*

9 E. If the offender uses, possesses, or has under his immediate control any  
10 firearm, or other instrumentality customarily used or intended for probable use as a  
11 dangerous weapon, while committing or attempting to commit a crime of violence  
12 or while in the possession of a controlled dangerous substance except the possession  
13 of fourteen grams or less of marijuana, or during the sale or distribution of a  
14 controlled dangerous substance, the offender shall be fined not more than ten  
15 thousand dollars and imprisoned at hard labor for not less than five nor more than ten  
16 years without the benefit of probation, parole, or suspension of sentence. Upon a  
17 second or subsequent conviction, the offender shall be imprisoned at hard labor for  
18 not less than twenty years nor more than thirty years without the benefit of probation,  
19 parole, 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 223 Engrossed

2016 Regular Session

Terry Landry

**Abstract:** Provides that the additional penalty provisions applicable to a person in possession of a firearm and a controlled dangerous substance do not apply to possession of marijuana of 14 grams or less.

Present law provides penalties for illegal carrying of weapons.

Proposed law retains present law.

Present law provides additional penalties for the use, possession, or control of a firearm while committing a crime of violence, during the sale or distribution of a controlled dangerous substance (CDS), or while in the possession of a CDS.

Present law provides penalties of a fine of not more than \$10,000 and imprisonment of not less than five nor more than 10 years without benefit of parole, probation, or suspension of sentence.

Proposed law removes these additional penalties for possession of 14 grams or less of marijuana and otherwise retains present law.

(Amends R.S. 14:95(E))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Exempts the possession of marijuana of 14 grams or less from additional penalties of possession of a firearm while possessing a controlled dangerous substance.