SLS 22RS-634 ENGROSSED

2022 Regular Session

SENATE BILL NO. 393

BY SENATOR WHITE

WEAPONS. Designates the crime of possession of a firearm by a felon as a crime of violence. (gov sig)

1	AN ACT

2

3

4

5

6

7

8

9

11

12

13

14

15

16

17

To amend and reenact 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 designate the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies as 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

10 \* \* \*

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":

SLS 22RS-634 ENGROSSED SB NO. 393

1	* * *
2	(29) Repealed by Acts 2017, No. 281, §3, eff. August 1, 2017. Possession of
3	firearm or carrying concealed weapon by a person convicted of certain felonies
4	and while committing any offense enumerated in this Section.
5	* * *
6	§95.1. Possession of firearm or carrying concealed weapon by a person convicted
7	of certain felonies
8	* * *
9	D. If any crime used as a predicate offense under this Section is a crime
10	of violence as defined by R.S. 14:2(B) and the offender uses, possesses, or has
11	under his immediate control any firearm while committing another offense as
12	defined in R.S. 14:2(B), a conviction under this Subsection shall be designated
13	as a crime of violence.
14	<b>E.</b> For the purposes of this Section, "firearm" means any pistol, revolver,
15	rifle, shotgun, machine gun, submachine gun, black powder weapon, or assault rifle
16	which is designed to fire or is capable of firing fixed cartridge ammunition or from
17	which a shot or projectile is discharged by an explosive.
18	Section 2. This Act shall become effective upon signature by the governor or, if not
19	signed by the governor, upon expiration of the time for bills to become law without signature
20	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
21	vetoed by the governor and subsequently approved by the legislature, this Act shall become
22	effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST 2022 Regular Session

SB 393 Engrossed

White

<u>Present law</u> provides relative to the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies. <u>Present law</u> further provides that it is unlawful for any person who has been convicted of a "crime of violence", as defined in <u>present law</u>, when that crime is a felony, to possess a firearm or carry a concealed weapon.

Proposed law retains present law.

<u>Present law</u> 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. <u>Present law</u> further designates certain <u>present law</u> offenses and attempts to commit any of those offenses as "crimes of violence".

<u>Proposed law</u> retains <u>present law</u> and adds the <u>present law</u> crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies while committing any offense enumerated in present law to the list of crimes of violence.

<u>Proposed law</u> provides that if any crime used as a predicate offense under <u>proposed law</u> is a crime of violence as defined by <u>present law</u> and the offender uses, possesses, or has under his immediate control any firearm while committing another offense as defined in <u>present law</u>, a conviction under proposed law 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))

## Summary of Amendments Adopted by Senate

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

- 1. Delete exception to proposed law for certain drug offenses.
- 2. Provide that if the predicate offense to a charge of possession of a concealed weapon by a felon is a conviction of a crime of violence, then the possession or carrying by a felon will be also be designated a crime of violence.