

GREEN SHEET REDIGEST

HB 464

2023 Regular Session

Fontenot

**WEAPONS/FIREARMS: Provides relative to possession of a firearm by a felon.**

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DIGEST

Present law provides that it is unlawful for any person to possess a firearm or carry a concealed weapon if he has been convicted of, or been found not guilty by reason of insanity for, any of the following offenses or attempts to commit any of the following offenses:

- (1) A crime of violence as defined in present law which is a felony.
- (2) Simple burglary, burglary of a pharmacy, burglary of an inhabited dwelling, or unauthorized entry of an inhabited dwelling.
- (3) Felony illegal use of weapons or dangerous instrumentalities.
- (4) Manufacture or possession of a delayed action incendiary device.
- (5) Manufacture or possession of a bomb.
- (6) Possession of a firearm while in the possession of or during the sale or distribution of a controlled dangerous substance, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony.
- (7) Any crime which is defined as a sex offense in present law.
- (8) Any violation of the Uniform Controlled Dangerous Substances Law which is a felony, except for possession violations of Schedules III, IV, and V.
- (9) Any crime defined as an attempt to commit one of the enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the enumerated offenses.

Proposed law amends present law to reorganize this list of offenses and remove the following offenses:

- (1) Possession of a controlled substance listed in Schedule III, IV, or V as provided in present law (Uniform Controlled Dangerous Substances Law).
- (2) Any violation of the Uniform Controlled Dangerous Substances Law which is a felony. Proposed law provides that if the offender is found guilty of violating the provisions of present law while on probation or parole, the sentence imposed pursuant to present law shall be served consecutively with the remaining balance of any sentence to be served.

(Amends R.S. 14:95.1(A) and (B))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes
2. Change the minimum term of imprisonment from 10 years to five years.

3. Remove proposed law language that provides that the sentence imposed is to be served in accordance with present law (C.Cr.P. Art. 901).
4. Reorganize the list of present law offenses that prohibit a person from possessing a firearm or carrying a concealed weapon.
5. Remove the following present law offenses from the list of offenses that prohibit a person from possessing firearm or carrying a concealed weapon:
  - (a) Possession of a controlled dangerous substance as provided in present laws (R.S. 40:968(C), 969(C), or 970(C)).
  - (b) Any violation of the Uniform Controlled Dangerous Substances Law which is a felony.

#### Summary of Amendments Adopted by Senate

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

1. Delete House floor amendment that removed certain present law drug offenses that prohibit a person from possessing firearm or carrying a concealed weapon.
2. Make technical changes.