

Regular Session, 2012

SENATE BILL NO. 303

BY SENATORS RISER, ADLEY, BUFFINGTON, CHABERT, CROWE, ERDEY,  
GUILLORY, KOSTELKA, LAFLEUR, NEVERS, PERRY,  
WALSWORTH AND WHITE

WEAPONS. Constitutional amendment to require that any denial, infringement, or restriction on one's right to acquire, keep, possess, transport, carry, transfer, and use arms for defense of life and property be subject to a strict scrutiny standard by courts in determining any violation of the right. (2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Article I, Section 11 of the Constitution of Louisiana, relative to one's  
3 right to acquire, keep, possess, transport, carry, transfer, and use arms; to provide  
4 that any denial or infringement or other restriction be subject to a strict scrutiny  
5 standard by courts in determining a violation of the right; and to specify an election  
6 for submission of the proposition to electors and provide a ballot proposition.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
8 elected to each house concurring, that there shall be submitted to the electors of the state, for  
9 their approval or rejection in the manner provided by law, a proposal to amend Article I,  
10 Section 11 of the Constitution of Louisiana, to read as follows:

11 §11. Right to Acquire, Keep, Possess, Transport, Carry, Transfer, and Bear Use  
12 Arms

13 Section 11. The right of each citizen to acquire, keep, and bear possess,  
14 transport, carry, transfer, and use arms for defense of life and liberty, and for  
15 all other legitimate purposes is fundamental and shall not be abridged but this  
16 provision shall not prevent the passage of laws to prohibit the carrying of weapons  
17 concealed on the person denied or infringed, and any restriction shall be subject

1           **to strict scrutiny.**

2           Section 2. Be it further resolved that this proposed amendment shall be submitted  
3 to the electors of the state of Louisiana at the statewide election to be held on November 6,  
4 2012.

5           Section 3. Be it further resolved that on the official ballot to be used at said election  
6 there shall be printed a proposition, upon which the electors of the state shall be permitted  
7 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
8 follows:

9                     Do you support an amendment to require that courts apply a strict scrutiny  
10                    standard when determining the validity of a denial, infringement, or  
11                    restriction on one's right to acquire, keep, possess, transport, carry, transfer,  
12                    and use arms for defense of life and liberty. (Amends Article I, Section 11)

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Thomas L. Tyler.

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#### DIGEST

Present constitution grants a right to each citizen to keep and bear arms and that this right not be abridged. Provides that this right does not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

Proposed constitutional amendment provides that the right of citizen to acquire, keep, possess, transport, carry, transfer, and use arms for defense of life and liberty, and for all other legitimate purposes is fundamental. Provides that any denial, infringement, and restriction of this right be subject to a standard of strict scrutiny by a court in determining its constitutionality.

Specifies submission of the amendment to the voters at the statewide election to be held on November 6, 2012.

(Amends Const. Art. I, Sec 11)