

Regular Session, 2012

SENATE BILL NO. 303

BY SENATORS RISER, ADLEY, AMEDEE, BUFFINGTON, CHABERT, CROWE, ERDEY, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, MORRISH, NEVERS, PEACOCK, PERRY, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES ADAMS, ANDERS, ARMES, BERTHELOT, BROADWATER, HENRY BURNS, CHAMPAGNE, GAROFALO, HAVARD, HENRY, HODGES, HOFFMANN, LEOPOLD, LIGI, LORUSSO, MACK, MONToucET, PYLANT, SCHEXNAYDER, SEABAUGH, TALBOT AND THOMPSON

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 the right to keep and bear arms; to provide that the right to keep and bear arms is a  
 7 fundamental right; to provide for a strict scrutiny standard of review by the court;  
 8 and to specify an election for submission of the proposition to electors and provide  
 9 a ballot proposition.

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

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

16 Section 11. The right of each citizen to **acquire, keep and bear, possess,**  
 17 **transport, carry, transfer, and use arms for defense of life and liberty, and for**

~~all other legitimate purposes is fundamental and~~ shall not be abridged but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person ~~denied or infringed, and any restriction on this right shall be subject to strict scrutiny.~~

§11. Right to Keep and Bear Arms

Section 11. The right of each citizen to keep and bear arms is fundamental and shall not be abridged infringed, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person. Any restriction on this right shall be subject to strict scrutiny.

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

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

Do you support an amendment to the Constitution of the State of Louisiana to protect as fundamental the right of individuals to keep and bear arms? to provide that the right to keep and bear arms is a fundamental right and any restriction of that right requires the highest standard of review by a court?

(Amends Article I, Section 11)

---

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)]

---

Riser

SB No. 303

Present constitution grants a right to each citizen to keep and bear arms and provides that this right shall not be abridged. Present constitution further 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 each citizen to keep and bear arms is fundamental and shall not be infringed. Proposed constitutional amendment further provides that any restriction of this right be subject to a standard of strict scrutiny by a court

in determining its constitutionality.

Proposed constitutional amendment deletes the provision regarding the passage of laws with respect to concealed weapons.

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

(Amends Const. Art. I, §11)

Summary of Amendments Adopted by Senate

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

1. Clarifies proposed constitutional amendment by changing "restriction" to "restriction of this right".
2. Changes language of proposed ballot proposition.

Senate Floor Amendments to engrossed bill.

1. Reinserts existing language "and bear".

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the reengrossed bill.

1. Deleted the proposed law language regarding the right to acquire, possess, transport, carry, transfer, and use arms for defense of life and liberty, and for all other legitimate purposes.
2. Deleted language relative to the denial of the right to keep and bear arms.

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the reengrossed bill.

1. Changed language of proposed ballot language.