

2024 Regular Session

SENATE BILL NO. 105

BY SENATOR SEABAUGH

CRIME/PUNISHMENT. Provides relative to the crime of possession of or carrying a concealed weapon by a person convicted of certain felonies. (8/1/24)

1 AN ACT

2 To amend and reenact R.S. 14:95.1(A), (B), and (D), relative to the crime of possession of
3 firearms or carrying concealed weapons by a person convicted of certain crimes; to
4 make the crime applicable to a person convicted of any felony; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95.1(A), (B), and (D) are hereby amended and reenacted to read
8 as follows:

9 §95.1. Possession of firearm or carrying concealed weapon by a person convicted of
10 certain felonies

11 A. It is unlawful for any person who has **either** been convicted of, or has
12 been found not guilty by reason of insanity for, a crime of violence as defined in R.S.
13 14:2(B), ~~which is a~~ **or any** felony, ~~or simple burglary, burglary of a pharmacy,~~
14 ~~burglary of an inhabited dwelling, unauthorized entry of an inhabited dwelling,~~
15 ~~felony illegal use of weapons or dangerous instrumentalities, manufacture or~~
16 ~~possession of a delayed action incendiary device, manufacture or possession of a~~
17 ~~bomb, or possession of a firearm while in the possession of or during the sale or~~

1 ~~distribution of a controlled dangerous substance, or any violation of the Uniform~~
 2 ~~Controlled Dangerous Substances Law which is a felony, or any crime which is~~
 3 defined as a sex offense in R.S. 15:541, or any crime defined as an attempt to
 4 commit one of the above-enumerated offenses under the laws of this state, or who
 5 has been convicted under the laws of any other state or of the United States or of any
 6 foreign government or country of a crime which, if committed in this state, would
 7 be one of the above-enumerated crimes, to possess a firearm or carry a concealed
 8 weapon.

9 B. Whoever is found guilty of violating the provisions of this Section shall
 10 be imprisoned at hard labor for not less than five nor more than twenty years without
 11 the benefit of probation, parole, or suspension of sentence and be fined not less than
 12 one thousand dollars nor more than five thousand dollars. ~~Notwithstanding the~~
 13 ~~provisions of R.S. 14:27, whoever~~ **Whoever** is found guilty of attempting to violate
 14 the provisions of this Section shall be imprisoned at hard labor for not **less than one**
 15 **year nor** more than seven and one-half years and fined not less than ~~five hundred~~
 16 **one thousand** dollars nor more than ~~two thousand five hundred~~ **five thousand**
 17 dollars.

* * *

19 D. If a violation of this Section is committed during the commission of a
 20 crime of violence as defined in R.S. 14:2(B), ~~and the defendant has a prior~~
 21 ~~conviction of a crime of violence,~~ then the violation of this Section shall be
 22 designated as a crime of violence.

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

SB 105 Original DIGEST Seabaugh
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Present law makes it a felony for a person previously convicted, or found not guilty by reason of insanity, of committing or attempting to commit certain felonies, certain misdemeanors, or crimes designated as sex offenses to possess a firearm or carry a concealed weapon.

Proposed law makes present law applicable to any felony or crime of violence and otherwise retains present law.

Present law requires someone convicted of attempting to violate present law to be imprisoned at hard labor for not more than seven and one-half years and fined between \$500 and \$2,500.

Proposed law requires someone convicted of attempting to violate proposed law to be imprisoned at hard labor for at least one year but not more than seven and one-half years and fined between \$1,000 and \$5,000.

Present law requires that a violation of present law be deemed a crime of violence if the person violated present law while committing a crime of violence and also has a prior conviction for committing a crime of violence.

Proposed law deletes the requirement of a prior crime of violence and otherwise retains present law.

Effective August 1, 2024.

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