

Regular Session, 2012

HOUSE BILL NO. 222

BY REPRESENTATIVE WESLEY BISHOP

WEAPONS/FIREARMS: Provides with respect to prior offenses regarding the illegal carrying of weapons

1 AN ACT

2 To amend and reenact R.S. 14:95(F), relative to illegal carrying of weapons; to provide with
3 respect to prior offenses; to authorize the use of convictions of ordinances as
4 predicate offenses for the purpose of increased penalties; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:95(F) is hereby amended and reenacted to read as follows:

8 §95. Illegal carrying of weapons

9 * * *

10 F.(1) For purposes of determining whether a defendant has a prior conviction
11 for a violation of this Section, a conviction pursuant to this Section or a conviction
12 pursuant to an ordinance of a local governmental subdivision of this state which
13 contains the elements provided for in Subsection A of this Section shall constitute
14 a prior conviction.

15 (2) The enhanced penalty upon second, third, and subsequent convictions
16 shall not be applicable in cases where more than five years have elapsed since the
17 expiration of the maximum sentence, or sentences, of the previous conviction or
18 convictions, and the time of the commission of the last offense for which he has been

1 convicted; the sentence to be imposed in such event shall be the same as may be
2 imposed upon a first conviction.

3 (3) Any ordinance that prohibits the unlawful carrying of firearms enacted
4 by a municipality, town, or similar political subdivision or governing authority of
5 this state shall be subject to the provisions of R.S. 40:1796.

6 * * *

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)]

Wesley Bishop

HB No. 222

Abstract: Allows convictions of ordinances to be used for purposes of enhanced penalties for the crime of illegal carrying of weapons.

Present law provides for the crime of illegal carrying of weapons and provides for enhanced penalties for multiple convictions.

Proposed law retains present law and further provides that a conviction pursuant to an ordinance of a local governmental subdivision which contains the elements of present law shall constitute a prior conviction.

Present law provides that no governing authority of a political subdivision shall enact any ordinance or regulation more restrictive than state law concerning in any way the sale, purchase, possession, ownership, transfer, transportation, license, or registration of firearms, ammunition, or components of firearms or ammunition.

Proposed law provides that any ordinance that prohibits the unlawful carrying of firearms shall comply with this provision of present law.

(Amends R.S. 14:95(F))

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Changed terminology from "a municipality, town, or similar political subdivision" to "a local governmental subdivision"