

Regular Session, 2012

HOUSE BILL NO. 204

BY REPRESENTATIVE GUILLORY

WEAPONS/FIREARMS: Creates the crime of reckless discharge of a firearm in a residential area

1 AN ACT

2 To enact R.S. 14:95.2.3, relative to offenses affecting public safety; to create the crime of  
3 reckless discharge of a firearm on residential property; to provide for definitions; to  
4 provide for penalties; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:95.2.3 is hereby enacted to read as follows:

7 §95.2.3. Reckless discharge of a firearm on residential property

8 A. Reckless discharge of a firearm on residential property is the reckless or  
9 criminally negligent discharge of a firearm on or within one thousand feet of  
10 residential property.

11 B. For the purposes of this Section:

12 (1) "Firearm" means any pistol, revolver, rifle, shotgun, machine gun,  
13 submachine gun, excluding black powder weapons, or assault rifle which is designed  
14 to fire or is capable of firing fixed cartridge ammunition or from which a shot or  
15 projectile is discharged by an explosive.

16 (2) "Reckless or criminally negligent" means that although neither specific  
17 nor general criminal intent is present, there is such disregard of the interest of others  
18 that the offender's conduct amounts to a gross deviation below the standard of care  
19 expected to be maintained by a reasonably careful man under like circumstances.

1           (3) "Residential property" means any property which is wholly or partly used  
2           for or intended to be used for living or sleeping by human occupants. In areas that  
3           are zoned residential, buildings may include single family housing, multiple family  
4           housing such as apartments, duplexes, townhomes, condominiums, or mobile homes.

5           C.(1) Whoever commits the crime of reckless discharge of a firearm on  
6           residential property shall be fined not more than five hundred dollars, imprisoned for  
7           not more than six months, or both.

8           (2) On a second or subsequent conviction, whoever commits the crime of  
9           reckless or negligent discharge of a firearm on residential property shall be fined not  
10          more than one thousand dollars, imprisoned with or without hard labor for not more  
11          than one year, or both.

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#### 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)]

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Guillory

HB No. 204

**Abstract:** Creates the crime of reckless discharge of a firearm on residential property.

Proposed law provides that reckless discharge of a firearm on residential property is the reckless or criminally negligent discharge of a firearm on or within 1,000 feet of any residential property.

Proposed law defines "firearm", "reckless or criminally negligent", and "residential".

Proposed law provides the following penalties:

- (1) First offense - A fine of not more than \$500, imprisonment for not more than six months, or both.
- (2) Second or subsequent offense - A fine of not more than \$1,000, imprisonment with or without hard labor for not more than one year, or both.

(Adds R.S. 14:95.2.3)