

Regular Session, 2012

HOUSE BILL NO. 204

BY REPRESENTATIVE GUILLORY

WEAPONS/FIREARMS: Creates the crime of reckless discharge of a firearm on residential property in unincorporated areas of a parish

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 in unincorporated areas of a
4 parish; to provide for definitions; to provide for penalties; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

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

8 §95.2.3. Reckless discharge of a firearm on residential property in unincorporated
9 areas of a parish

10 A. Reckless discharge of a firearm on residential property in unincorporated
11 areas of a parish is the reckless or criminally negligent discharge of a firearm on or
12 within one thousand feet of residential property in unincorporated areas of a parish.

13 B. For the purposes of this Section:

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

18 (2) "Reckless or criminally negligent" means having such disregard of the
19 interest of others that, although neither specific nor general criminal intent is present,
20 the offender's conduct amounts to a gross deviation below the standard of care

1 expected to be maintained by a reasonably careful man under like circumstances.
2 "Reckless or criminally negligent" shall not be construed to include any discharge
3 of a firearm in defense of a person or property.

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

9 C.(1) Whoever commits the crime of reckless discharge of a firearm on
10 residential property in unincorporated areas of a parish shall be fined not more than
11 two hundred fifty dollars for a first offense.

12 (2) On a second or subsequent conviction, whoever commits the crime of
13 reckless discharge of a firearm on residential property in unincorporated areas of a
14 parish shall be fined not more than five hundred dollars.

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)]

Guillory

HB No. 204

Abstract: Creates the crime of reckless discharge of a firearm on residential property in unincorporated areas of a parish.

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

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

Proposed law provides the following penalties:

- (1) First offense - A fine of not more than \$250.
- (2) Second or subsequent offenses - A fine of not more than \$500.

Proposed law provides that it shall not be construed to include any discharge of a firearm in defense of a person or property.

(Adds R.S. 14:95.2.3)

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Added that the offense only applies to unincorporated areas of a parish.
2. Changed penalty provisions by reducing the fine amounts and removed the possibility of imprisonment.
3. Added language providing that proposed law shall not be construed to include the discharge of a firearm in defense of a person or property.