

2023 Regular Session

HOUSE BILL NO. 464

BY REPRESENTATIVES FONTENOT AND GAROFALO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

WEAPONS/FIREARMS: Provides relative to possession of a firearm by a felon

1 AN ACT

2 To amend and reenact R.S. 14:95.1(A) and (B), relative to possession of a firearm or
3 carrying of a concealed weapon by a felon; to provide for penalties; and to provide
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

8 §95.1. Possession of firearm or carrying concealed weapon by a person convicted
9 of certain felonies

10 A. It is unlawful for any person who has been convicted of, or has been
11 found not guilty by reason of insanity for, ~~a crime of violence as defined in R.S.~~
12 ~~14:2(B) which is a felony or simple burglary, burglary of a pharmacy, burglary of an~~
13 ~~inhabited dwelling, unauthorized entry of an inhabited dwelling, felony illegal use~~
14 ~~of weapons or dangerous instrumentalities, manufacture or possession of a delayed~~
15 ~~action incendiary device, manufacture or possession of a bomb, or possession of a~~
16 ~~firearm while in the possession of or during the sale or distribution of a controlled~~
17 ~~dangerous substance, or any violation of the Uniform Controlled Dangerous~~
18 ~~Substances Law which is a felony, or any crime which is defined as a sex offense in~~
19 ~~R.S. 15:541, or any crime defined as an attempt to commit one of the above-~~
20 ~~enumerated offenses under the laws of this state, or who has been convicted under~~

1 ~~the laws of any other state or of the United States or of any foreign government or~~
2 ~~country of a crime which, if committed in this state, would be one of the above-~~
3 ~~enumerated crimes, any of the following offenses or attempts to commit any of them~~
4 to possess a firearm or carry a concealed weapon.:

5 (1) Any felony crime of violence as defined in R.S. 14:2(B).

6 (2) Any sex offense as defined in R.S. 15:541.

7 (3) Simple burglary, simple burglary of a pharmacy, simple burglary of an
8 inhabited dwelling, or unauthorized entry of an inhabited dwelling.

9 (4) Felony illegal use of weapons or dangerous instrumentalities.

10 (5) Manufacture or possession of a delayed action incendiary device.

11 (6) Manufacture or possession of a bomb.

12 (7) Any violation of R.S. 14:95(E).

13 (8) Any violation of R.S. 40:966(C) or 967(C).

14 (9) Any crime under the laws of any other state or of the United States or of
15 any foreign government or country which, if committed in this state, would be one
16 of the above-enumerated crimes.

17 B.(1) Whoever is found guilty of violating the provisions of this Section
18 shall be imprisoned at hard labor for not less than five nor more than twenty years
19 without the benefit of probation, parole, or suspension of sentence and be fined not
20 less than one thousand dollars nor more than five thousand dollars.

21 (2) Notwithstanding the provisions of R.S. 14:27, whoever is found guilty
22 of attempting to violate the provisions of this Section shall be imprisoned at hard
23 labor for not more than seven and one-half years and fined not less than five hundred
24 dollars nor more than two thousand five hundred dollars.

25 (3) If the offender is found guilty of violating the provisions of this Section
26 while on probation or parole, the sentence imposed pursuant to this Subsection shall
27 be served consecutively with the remaining balance of any sentence to be served.

28 * * *

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)]

HB 464 Reengrossed

2023 Regular Session

Fontenot

Abstract: Provides relative to the offenses and penalties for the crime of possession of a firearm or carrying of a concealed weapon by a felon.

Present law (R.S. 14:95.1) provides for the crime of possession of a firearm or carrying a concealed weapon by a person convicted of certain felonies and provides for penalties.

Proposed law retains present law.

Present law (R.S. 14:95.1(A)) provides that it is unlawful for any person to possess a firearm or carry a concealed weapon if he has been convicted of, or been found not guilty by reason of insanity for, any of the following offenses or attempts to commit any of the following offenses:

- (1) A crime of violence as defined in present law (R.S. 14:2(B)) which is a felony.
- (2) Simple burglary, burglary of a pharmacy, burglary of an inhabited dwelling, or unauthorized entry of an inhabited dwelling.
- (3) Felony illegal use of weapons or dangerous instrumentalities.
- (4) Manufacture or possession of a delayed action incendiary device.
- (5) Manufacture or possession of a bomb.
- (6) Possession of a firearm while in the possession of or during the sale or distribution of a controlled dangerous substance, or any violation of the Uniform Controlled Dangerous Substances Law which is a felony.
- (7) Any crime which is defined as a sex offense in present law (R.S. 15:541).
- (8) Any crime defined as an attempt to commit one of the above-enumerated offenses under the laws of this state, or who has been convicted under the laws of any other state or of the United States or of any foreign government or country of a crime which, if committed in this state, would be one of the above-enumerated crimes.

Proposed law amends present law to reorganize this list of offenses and remove the following offenses:

- (1) Possession of a controlled substance listed in Schedule III, IV, or V as provided in present law (R.S. 40:968(C), 969(C), or 970(C)).
- (2) Any violation of the Uniform Controlled Dangerous Substances Law which is a felony.

Proposed law provides that if the offender is found guilty of violating the provisions of present law while on probation or parole, the sentence imposed pursuant to present law shall be served consecutively with the remaining balance of any sentence to be served.

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

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Make technical changes
2. Change the minimum term of imprisonment from 10 years to five years.
3. Remove proposed law language that provides that the sentence imposed is to be served in accordance with present law (C.Cr.P. Art. 901).
4. Reorganize the list of present law offenses that prohibit a person from possessing a firearm or carrying a concealed weapon.
5. Remove the following present law offenses from the list of offenses that prohibit a person from possessing firearm or carrying a concealed weapon:
 - (a) Possession of a controlled dangerous substance as provided in present laws (R.S. 40:968(C), 969(C), or 970(C)).
 - (b) Any violation of the Uniform Controlled Dangerous Substances Law which is a felony.