

2020 Regular Session

SENATE BILL NO. 188

BY SENATOR WHITE

CRIME/PUNISHMENT. Designates the crime of possession of a firearm by a felon as a "crime of violence". (gov sig)

1 AN ACT

2 To enact R.S. 14:2(B)(29), relative to crimes of violence; to make the crime of possession
3 of firearm or carrying concealed weapon by a person convicted of certain felonies
4 a crime of violence; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 14:2(B)(29) is hereby enacted to read as follows:

7 §2. Definitions

8 * * *

9 B. In this Code, "crime of violence" means an offense that has, as an element,
10 the use, attempted use, or threatened use of physical force against the person or
11 property of another, and that, by its very nature, involves a substantial risk that
12 physical force against the person or property of another may be used in the course
13 of committing the offense or an offense that involves the possession or use of a
14 dangerous weapon. The following enumerated offenses and attempts to commit any
15 of them are included as "crimes of violence":

16 * * *

17 (29) ~~Repealed by Acts 2017, No. 281, §3, eff. August 1, 2017.~~ Possession of

firearm or carrying concealed weapon by a person convicted of certain felonies.

* * *

Section 2. This Act shall become effective upon signature by the governor or, if not signed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If vetoed by the governor and subsequently approved by the legislature, this Act shall become effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Alden A. Clement Jr.

DIGEST

SB 188 Engrossed

2020 Regular Session

White

Present law provides relative to the crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies. Present law further provides that it is unlawful for any person who has been convicted of a "crime of violence," as defined in present law, when that crime is a felony, to possess a firearm or carry a concealed weapon.

Proposed law retains present law.

Present law provides that a "crime of violence" is an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense, or an offense that involves the possession or use of a dangerous weapon. Present law further designates certain present law offenses and attempts to commit any of those offenses as "crimes of violence".

Proposed law retains present law and adds the present law crime of possession of firearm or carrying concealed weapon by a person convicted of certain felonies to the list of crimes of violence, reversing the removal of this crime from the list of crimes of violence by Acts 2017, No. 281, §3, eff. 8/1/17.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:2(B)(29))