

2022 Regular Session

HOUSE BILL NO. 949

BY REPRESENTATIVE PHELPS

WEAPONS/HANDGUNS: Provides relative to illegal possession of a handgun by a juvenile

1 AN ACT

2 To amend and reenact R.S. 14:95.8(A) and (D) and to enact R.S. 14:95.8.1, relative to the
3 illegal possession of handguns; to provide relative to the illegal possession of a
4 handgun by a juvenile; to provide relative to the elements of the offense regarding
5 the form of possession; to remove the requirement that the handgun be possessed by
6 the offender's person in order for the offense to apply; to create the crime of
7 possession of a firearm or carrying of a concealed weapon by a juvenile on probation
8 or parole; to provide for elements; to provide for penalties; to provide for a report;
9 and to provide for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:95.8(A) and (D) are hereby amended and reenacted and R.S.
12 14:95.8.1 is hereby enacted to read as follows:

13 §95.8. Illegal possession of a handgun by a juvenile

14 A. It is unlawful for any person who has not attained the age of eighteen
15 years knowingly to possess any handgun ~~on his person~~. Any person possessing any
16 handgun in violation of this Section commits the offense of illegal possession of a
17 handgun by a juvenile.

18 * * *

19 D. For the purposes of this Section "handgun" means a firearm as defined in
20 ~~R.S. 14:37.2~~ R.S. 40:1798, provided however, that the barrel length shall not exceed
21 twelve inches.

22 * * *

1 §95.8.1. Possession of a firearm or carrying of a concealed weapon by a juvenile on
2 probation or parole
3 A. It is unlawful for a juvenile who has been placed on probation or parole
4 to possess a firearm or carry a concealed weapon while on probation or parole.
5 B. Upon conviction, the offender shall be imprisoned with or without hard
6 labor for not less than six months and not more than five years.
7 C. No later than June fifteenth of each year, each district attorney office shall
8 submit a report containing the number of offenders prosecuted under this Subsection
9 to the House Committee on Administration of Criminal Justice.

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 949 Original

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Phelps

Abstract: Removes the requirement that the handgun be possessed on the offender's person in order for the crime of illegal possession of a handgun by a juvenile to apply, creates the crime of possession of a firearm or carrying of a concealed weapon by a juvenile on probation or parole, and provides elements and criminal penalties for the offense.

Present law prohibits any person who has not attained the age of 18 years from knowingly possessing any handgun on his person.

Present law provides certain criminal penalties and exceptions to the offense.

Proposed law retains present law but removes the requirement that the handgun be possessed on the offender's person in order for the offense to apply.

Proposed law provides that it is unlawful for a juvenile who has been placed on probation or parole to possess a firearm or carry a concealed weapon while on probation or parole.

Proposed law also provides that upon conviction, the offender shall be imprisoned with or without hard labor for not less than six months and not more than five years.

Proposed law provides that no later than Jun. 15th of each year, each district attorney office shall submit a report containing the number of offenders prosecuted under proposed law to the House Committee on Administration of Criminal Justice.

(Amends R.S. 14:95.8(A) and (D); Adds R.S. 14:95.8.1)