

Regular Session, 2012

SENATE BILL NO. 303

BY SENATORS RISER, ADLEY, AMEDEE, BUFFINGTON, CHABERT, CROWE, ERDEY, GUILLORY, JOHNS, KOSTELKA, LAFLEUR, MORRISH, NEVERS, PEACOCK, PERRY, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, WARD AND WHITE AND REPRESENTATIVES ADAMS, ANDERS, ARMES, BERTHELOT, BROADWATER, HENRY BURNS, CHAMPAGNE, GAROFALO, HAVARD, HENRY, HODGES, HOFFMANN, LEOPOLD, LIGI, LORUSSO, MACK, MONToucET, PYLANT, SCHEXNAYDER, SEABAUGH, TALBOT AND THOMPSON

WEAPONS. Constitutional amendment to require that any denial, infringement, or restriction on one's right to acquire, keep, possess, transport, carry, transfer, and use arms for defense of life and property be subject to a strict scrutiny standard by courts in determining any violation of the right. (2/3 - CA13s1(A))

1 A JOINT RESOLUTION

2 Proposing to amend Article I, Section 11 of the Constitution of Louisiana, relative to one's  
3 right to acquire, keep, possess, transport, carry, transfer, and use arms; to provide  
4 that any denial or infringement or other restriction be subject to a strict scrutiny  
5 standard by courts in determining a violation of the right; and to specify an election  
6 for submission of the proposition to electors and provide a ballot proposition.

7 Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members  
8 elected to each house concurring, that there shall be submitted to the electors of the state, for  
9 their approval or rejection in the manner provided by law, a proposal to amend Article I,  
10 Section 11 of the Constitution of Louisiana, to read as follows:

11 §11. Right to **Acquire, Keep, Possess, Transport, Carry, Transfer, and Bear Use**  
12 **Arms**

13 Section 11. The right of each citizen to **acquire**, keep and bear, **possess,**  
14 **transport, carry, transfer, and use** arms **for defense of life and liberty, and for**  
15 **all other legitimate purposes is fundamental and** shall not be abridged but this  
16 provision shall not prevent the passage of laws to prohibit the carrying of weapons  
17 concealed on the person **denied or infringed, and any restriction on this right**

1           **shall be subject to strict scrutiny.**

2           Section 2. Be it further resolved that this proposed amendment shall be submitted  
3 to the electors of the state of Louisiana at the statewide election to be held on November 6,  
4 2012.

5           Section 3. Be it further resolved that on the official ballot to be used at said election  
6 there shall be printed a proposition, upon which the electors of the state shall be permitted  
7 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as  
8 follows:

9                     Do you support an amendment to the Constitution of the State of Louisiana  
10                    to protect as fundamental the right of individuals to keep and bear arms?

11                   (Amends Article I, Section 11)

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The original instrument was prepared by Thomas L. Tyler. The following digest, which does not constitute a part of the legislative instrument, was prepared by Alan Miller.

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#### DIGEST

Riser (SB 303)

Present constitution grants a right to each citizen to keep and bear arms and that this right not be abridged. Present constitution further provides that this right does not prevent the passage of laws to prohibit the carrying of weapons concealed on the person.

Proposed constitutional amendment provides that the right of citizen to acquire, keep and bear possess, transport, carry, transfer, and use arms for defense of life and liberty, and for all other legitimate purposes is fundamental. Proposed constitutional amendment further provides that any denial, infringement, and restriction of this right be subject to a standard of strict scrutiny by a court in determining its constitutionality.

Specifies submission of the amendment to the voters at the statewide election to be held on November 6, 2012.

(Amends Const. Art. I, Sec 11)

#### Summary of Amendments Adopted by Senate

##### Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill.

1. Clarifies proposed constitutional amendment by changing "restriction" to "restriction of this right".
2. Changes language of proposed ballot proposition.

Senate Floor Amendments to engrossed bill.

1. Reinserts existing language "and bear".