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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

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DIGEST

SB 139 Engrossed

2021 Regular Session

Harris

Present law provides that if a motion was filed by the state in compliance with C.Cr.P. Article 893.1, a determination shall be made as to whether a firearm was discharged, or used during the commission of the felony or specifically enumerated misdemeanor, or actually possessed during the commission of a felony which is a crime of violence as defined by R.S. 14:2(B).

Present law further provides that such determination is a specific finding of fact to be submitted to the jury and proven by the state beyond a reasonable doubt.

Proposed law retains present law and adds the crimes of simple burglary, simple burglary of an inhabited dwelling, and unauthorized entry of an inhabited dwelling for the determination if a firearm was discharged, used, or possessed during the commission of such crimes.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 893.2)