

RÉSUMÉ DIGEST

ACT 680 (HB 223)

2018 Regular Session

Marino

Existing law (C.Cr.P. Art. 814) provides for a specified list of responsive verdicts for certain offenses that are required to be used by the jury when rendering its verdict. In any case in which a responsive verdict is not specifically provided for by existing law, existing law (C.Cr.P. Art. 815) provides general verdicts that are responsive and include the following: guilty, guilty of a lesser included grade of the offense, and not guilty.

Existing law provides specified responsive verdicts for certain violations of the Uniform Controlled Dangerous Substances (CDS) Law, and further provides that in any case arising under the CDS Law not provided for in the specified list of responsive verdicts, the general verdicts provided by existing law (C.Cr.P. Art. 815) shall apply.

Certain penalties provided under the existing CDS Law depend upon the weight of the substance involved.

New law retains existing law relative to responsive verdicts for cases arising under the CDS Law, but provides that any offense arising under the CDS Law that is graded according to the weight of the substance, the responsive verdicts shall include grades of the offense that are based upon lesser weights than the weight of the substance that is charged in the indictment.

Existing law crimes of theft, simple criminal damage to property, and unauthorized use of a movable provide certain penalties based on the value of the property that is taken or damaged.

Prior to Act No. 281 of the 2017 R.S., the crime of theft provided certain criminal penalties based on the following thresholds:

- (1) The misappropriation or taking amounts to a value of \$25,000 or more.
- (2) The misappropriation or taking amounts to a value of \$5,000 or more, but less than a value of \$25,000.
- (3) The misappropriation or taking amounts to a value of \$750 or more, but less than a value of \$5,000.
- (4) The misappropriation or taking amounts to a value of less than \$750.

Prior to Act No. 281 of the 2017 R.S., the crime of simple criminal damage to property provided certain criminal penalties based on the following thresholds:

- (1) The damage is less than \$500.
- (2) The damage amounts to \$500 but less than \$50,000.

Prior to Act No. 281 of the 2017 R.S., the crime of unauthorized use of a movable provided certain criminal penalties based on the following thresholds:

- (1) The movable has a value of \$500 or less.
- (2) The movable has a value in excess of \$500.

Act No. 281 of the 2017 R.S. amended the threshold values for certain penalties provided in the crimes of theft, simple criminal damage to property, and unauthorized use of a movable to provide as follows:

- (1) For the crime of theft, the threshold value of \$750 was increased to a value of \$1,000.
- (2) For the crimes of simple criminal damage to property and unauthorized use of a movable, the threshold value of \$500 was increased to \$1,000.

Prior law responsive verdicts for the crimes of theft, aggravated criminal damage to property, simple criminal damage to property, and the attempt to commit these offenses do not reflect the existing law threshold values for the crimes of theft, simple criminal damage to property, and unauthorized use of a movable, but instead reflect the law that was in effect prior to Act No. 281 of the 2017 R.S.

New law amends the prior law responsive verdicts for the crimes of theft, aggravated criminal damage to property, simple criminal damage to property, and the attempt to commit these offenses to reflect the existing law threshold values for the crimes of theft, simple criminal damage to property, and unauthorized use of a movable.

New law also adds "guilty of aggravated assault with a firearm" to the existing law list of responsive verdicts for "attempted first degree murder" and "attempted second degree murder".

New law makes other technical changes, including renumbering the responsive verdicts provided in prior law to remove decimalization.

Effective August 1, 2018.

(Amends C.Cr.P. Art. 814(A) and (B))