

2020 Regular Session

HOUSE BILL NO. 434

BY REPRESENTATIVE HILFERTY

CRIME/HOMICIDE: Provides relative to certain homicide offenses

1 AN ACT

2 To amend and reenact R.S. 14:30.1(A)(2) and 31(A)(2), relative to homicide; to provide
3 relative to second degree murder and manslaughter; to amend the elements of the
4 crimes of second degree murder and manslaughter; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:30.1(A)(2) and 31(A)(2) are hereby amended and reenacted to
8 read as follows:

9 §30.1. Second degree murder

10 A. Second degree murder is the killing of a human being:

11 * * *

12 (2) When the offender is engaged in the perpetration or attempted
13 perpetration of aggravated or first degree rape, forcible or second degree rape,
14 aggravated arson, aggravated burglary, aggravated kidnapping, second degree
15 kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first
16 degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second
17 degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to
18 inflict great bodily harm and regardless of whether the victim's death results from a
19 direct act of the offender or another.

20 * * *

1 §31. Manslaughter

2 A. Manslaughter is:

3 * * *

4 (2) A homicide committed, without any intent to cause death or great bodily
5 harm and regardless of whether the victim's death is a result of a direct act of the
6 offender or another.

7 * * *

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 434 Original

2020 Regular Session

Hilferty

Abstract: Amends the elements of the crimes of second degree murder and manslaughter to provide that such offenses occur regardless of whether the victim's death results from a direct act of the offender or another.

Present law provides that second degree murder is the killing of a human being when the offender is engaged in the perpetration or attempted perpetration of aggravated or first degree rape, forcible or second degree rape, aggravated arson, aggravated burglary, aggravated kidnapping, second degree kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery, second degree robbery, simple robbery, cruelty to juveniles or terrorism, even though he has no intent to kill or to inflict great bodily harm.

Proposed law amends present law to provide that the offense is committed regardless of whether the victim's death results from a direct act of the offender or another.

Present law provides that manslaughter is a homicide committed, without any intent to cause death or great bodily harm.

Proposed law amends present law to provide that the offense is committed regardless of whether the victim's death is a result of a direct act of the offender or another.

(Amends R.S. 14:30.1(A)(2) and 31(A)(2))