

**GREEN SHEET REDIGEST**

**HB 434**

**2020 Regular Session**

**Hilferty**

**CRIME/HOMICIDE: Provides relative to certain homicide offenses**

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DIGEST

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 adds to present law to provide relative to when an offender commits or attempts to commit first degree rape, 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, second degree cruelty to juveniles, or terrorism, which is part of a continuous sequence of events resulting in the death of a human being where it was foreseeable that the offender's conduct during the commission of the crime could result in death or great bodily harm to a human being, even if the offender has no intent to kill or to inflict great bodily harm. Further provides that it shall be immaterial whether or not the person who performed the direct act resulting in the death was acting in concert with the offender.

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

Proposed law adds to present law to provide relative to when an offender commits or attempts to commit any crime of violence as defined by present law (R.S. 14:2(B)) that is not enumerated in first degree murder or second degree murder, which is part of a continuous sequence of events resulting in the death of a human being where it was foreseeable that the offender's conduct during the commission of the crime could result in death or great bodily harm to a human being, even if the offender has no intent to kill or to inflict great bodily harm. Further provides that it shall be immaterial whether or not the person who performed the direct act resulting in the death was acting in concert with the offender.

Proposed law provides an "Official Comment to the Law".

(Adds R.S. 14:30.1(A)(5) and 31(A)(3))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Restore present law relative to the elements of second degree murder and manslaughter.
2. Add elements to the present law crimes of second degree murder and manslaughter to provide relative to when an offender commits or attempts to commit a certain present law crime of violence that is part of a continuous sequence of events resulting in the death of a human being where it was foreseeable that the offender's conduct during the commission of the crime could result in death or great bodily harm to a human being, even if the offender has no intent to kill or to inflict great bodily harm.
3. Provide that it is immaterial whether or not the person who performed the direct act resulting in the death was acting in concert with the offender.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the reengrossed bill

1. Add an "Official Comment to the Law" relative to proposed law.