

2020 Regular Session

HOUSE BILL NO. 434

BY REPRESENTATIVE HILFERTY

1 AN ACT

2 To enact R.S. 14:31(A)(3), relative to homicide; to provide relative to manslaughter; to  
3 provide relative to the elements of the crime of manslaughter; to provide relative to  
4 a continuous sequence of events resulting in the death of a human being; and to  
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:31(A)(3) is hereby enacted to read as follows:

8 §31. Manslaughter

9 A. Manslaughter is:

10 \* \* \*

11 (3) When the offender commits or attempts to commit any crime of violence  
12 as defined by R.S. 14:2(B), which is part of a continuous sequence of events  
13 resulting in the death of a human being where it was foreseeable that the offender's  
14 conduct during the commission of the crime could result in death or great bodily  
15 harm to a human being, even if the offender has no intent to kill or to inflict great  
16 bodily harm. For purposes of this Paragraph, it shall be immaterial whether or not  
17 the person who performed the direct act resulting in the death was acting in concert  
18 with the offender.

19 \* \* \*

20 Section 2. Official Comment to the Law: Since *State v. Garner*, 238 La. 563, 115  
21 So.2d 855 (1959), Louisiana law has espoused the "agency" theory of liability for felony  
22 murder and felony manslaughter, whereby an individual is criminally liable for a killing only  
23 if the direct act of killing was committed either by the individual himself or by one acting  
24 in concert with the individual. As such, this has left open the possibility that an individual

1 may, by committing a serious crime, set into motion a sequence of events proximately  
2 causing the death of an innocent person, and yet elude justice because the direct act of killing  
3 is committed by one acting adverse to or otherwise not in concert with the individual. These  
4 new provisions of law fill in the gap left by *Garner* and its progeny so as to allow such  
5 malefactors to be appropriately held accountable for the consequences of their actions while  
6 in no way abrogating, altering, restricting, or limiting criminal liability under any existing  
7 law relative to felony murder or felony manslaughter or under any other existing law.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_