

---

## 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 158 Engrossed

2021 Regular Session

Jones

**Abstract:** Amends elements of second degree murder and elements of manslaughter, and requires the Dept. of Public Safety and Corrections to compile a list to be made public of all people in its custody imprisoned under second degree murder by Sept. 1, 2021.

Present law provides that second degree murder is the killing of a human being:

- (1) When the offender has a specific intent to kill or to inflict great bodily harm.
- (2) 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, second degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to inflict great bodily harm.
- (3) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law, or any combination thereof, which is the direct cause of the death of the recipient who ingested or consumed the controlled dangerous substance.
- (4) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law, or any combination thereof, to another who subsequently distributes or dispenses such controlled dangerous substance which is the direct cause of the death of the person who ingested or consumed the controlled dangerous substance.

Present law further provides that whoever commits the crime of second degree murder shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Proposed law specifies that second degree murder occurs when the offender unlawfully distributes or dispenses fentanyl or carfentanil or a mixture or substance containing a detectable amount of either or of its analogues.

Present law provides relative to the crime of manslaughter and provides for penalties.

Proposed law retains present law and further specifies that manslaughter occurs when the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law or any combination thereof, except for fentanyl or carfentanil.

Proposed law requires the Dept. of Public Safety and Corrections to compile a list to be made available to the public of all people in its custody imprisoned under second degree murder by Sept. 1, 2021.

Proposed law further requires that the list shall include the date imprisonment began, the Dept. of Public Safety and Corrections identification number, and the parish in which that person was convicted.

Proposed law further requires that the list be made quarterly until Sept. 1, 2022, and then annually after.

Specifies that proposed law shall have prospective application only.

Effective Sept. 1, 2021.

(Amends R.S. 14:30.1; Adds R.S. 14:31(A)(4) and R.S. 15:827.2(E))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes to the citations.
2. Specify that second degree murder occurs when the offender unlawfully distributes or dispenses fentanyl or carfentanil or a mixture or substance containing a detectable amount of either or of its analogues.
3. Specify that manslaughter occurs when the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law or any combination thereof, except for fentanyl or carfentanil.
4. Specify that proposed law has prospective application only.