

2022 Regular Session

SENATE BILL NO. 338

BY SENATOR JACKSON

CRIMINAL PROCEDURE. Provides relative to responsive verdicts. (8/1/22)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

AN ACT

To amend and reenact Code of Criminal Procedure Art. 814(C) and 815, relative to responsive verdicts; to allow the court to exclude lesser-included offenses in responsive verdicts upon motion of the defendant; to exclude the crime of malfeasance in office from having a lesser-included responsive verdict; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Criminal Procedure Article 814(C) and 815 are hereby amended and reenacted to read as follows:

Art. 814. Responsive verdicts; in particular

\* \* \*

C. **(1)** Upon motion of the state or the defendant, or on its own motion, the court shall exclude a responsive verdict listed in Paragraph A if, after all the evidence has been submitted, the evidence, viewed in a light most favorable to the state, is not sufficient reasonably to permit a finding of guilty of the responsive offense.

**(2) Upon motion of the defendant, the court may exclude any or all lesser**

