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## DIGEST

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HB 96 Original

2023 Regular Session

Thomas

**Abstract:** Provides relative to penalties and responsive verdicts for negligent homicide.

Present law (R.S. 14:32) provides for the crime of negligent homicide.

Proposed law retains present law.

Present law (R.S. 14:32(C)(1)) provides that whoever commits the crime of negligent homicide shall be imprisoned with or without hard labor for not more than five years, fined not more than \$5,000, or both.

Proposed law amends present law to change the penalty length from five years to 20 years.

Present law (R.S. 14:32(C)(2)(a)) provides that if the victim killed was under the age of 10 years, the offender shall be imprisoned at hard labor, without benefit of probation, parole, or suspension of sentence, for not less than two nor more than five years.

Proposed law amends present law to change the penalty length from five years to 20 years.

Present law (R.S. 14:32(C)(3)) provides that if the victim was killed by a dog or other animal, the owner of the dog or other animal shall be imprisoned with or without hard labor for not more than five years or fined not more than \$5,000, or both.

Proposed law amends present law to change the penalty length from five years to 20 years.

Present law (R.S. 14:32(E)) provides for the definitions of "harboring or keeping", "livestock", and "owner".

Proposed law amends present law to add a definition for "firearm".

Proposed law provides that when the killing of a human being is caused proximately or caused directly by the discharge of a firearm, the offender shall be imprisoned at hard labor for an additional period of not more than five years without benefit of parole, probation, or suspension of sentence. Further provides that the additional penalty imposed pursuant to proposed law shall be served consecutively to the sentence imposed under the provisions of present law (R.S. 14:32(C)).

Present law (C.Cr.P. Art. 814) provides relative to responsive verdicts in criminal trials.

Proposed law amends present law to add "Guilty of negligent homicide committed by discharge of a firearm" to the responsive verdicts for second degree murder and manslaughter.

Proposed law adds that the only responsive verdicts that may be rendered when the indictment charges negligent homicide committed by discharge of a firearm are:

- (1) Guilty.
- (2) Guilty of negligent homicide.
- (3) Not guilty.

(Amends R.S. 14:32(C)(1), (2)(a), and (3) and (E) and C.Cr.P. Art. 814(A)(3) and (5); Adds R.S. 14:32(F) and C.Cr.P. Art. 814(A)(7.1))