

SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 112
by Senator Abraham

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 4 and insert the following:

3

4 To amend and reenact R.S. 14:30.1 and Code of Criminal Procedure Article
5 814(A)(1) through (4) and to enact R.S. 14:30.2, R.S. 15:827.2(E), and Code
6 of Criminal Procedure Article 814(A)(72) and (73), relative to murder; to
7 provide relative to elements of the offense of second degree murder; to
8 provide for penalties; to create the crime of felony murder; to provide for
9 responsive verdicts; to provide for tracking of persons imprisoned for second
10 degree murder; and to provide"

11 AMENDMENT NO. 2

12 On page 1, delete lines 8 through 17 and insert the following:

13 "§30.1. Second degree murder

14 A. Second degree murder is the killing of a human being **under any of the**
15 **following circumstances:**

16 (1) When the offender has a specific intent to kill or to inflict great bodily
17 harm; ~~or,~~

18 (2) ~~When the offender is engaged in the perpetration or attempted~~
19 ~~perpetration of aggravated or first degree rape, forcible or second degree rape,~~
20 ~~aggravated arson, aggravated burglary, aggravated kidnapping, second degree~~
21 ~~kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first~~
22 ~~degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second~~
23 ~~degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to~~
24 ~~inflict great bodily harm.~~

25 (3)(a) When the offender unlawfully distributes or dispenses a controlled
26 dangerous substance listed in Schedules I through V of the Uniform Controlled
27 Dangerous Substances Law, or any combination thereof, **except fentanyl or a**
28 **mixture or substance containing a detectable amount of fentanyl or its**
29 **analogues, or carfentanil or a mixture or substance containing a detectable**
30 **amount of carfentanil or its analogues,** which is the direct cause of the death of the
31 recipient who ingested or consumed the controlled dangerous substance.

32 (b) **Whoever commits the crime of second degree murder defined in**
33 **Subparagraph (a) of this Paragraph shall be punished by life imprisonment at**
34 **hard labor, at least twenty-five years of which shall be served without benefit**
35 **of parole, probation, or suspension of sentence.**

36 (3)(a) **When the offender unlawfully distributes or dispenses fentanyl or**
37 **a mixture or substance containing a detectable amount of fentanyl or its**
38 **analogues, or carfentanil or a mixture or substance containing a detectable**
39 **amount of carfentanil or its analogues, which is the direct cause of the death of**
40 **the recipient who ingested or consumed the controlled dangerous substance.**

41 (b) **Whoever commits the crime of second degree murder defined in**
42 **Subparagraph (a) of this Paragraph shall be punished by life imprisonment at**
43 **hard labor without benefit of parole, probation, or suspension of sentence.**

44 (4)(a) When the offender unlawfully distributes or dispenses a controlled
45 dangerous substance listed in Schedules I through V of the Uniform Controlled
46 Dangerous Substances Law, or any combination thereof, **except fentanyl or a**
47 **mixture or substance containing a detectable amount of fentanyl or its**
48 **analogues, or carfentanil or a mixture or substance containing a detectable**
49 **amount of carfentanil or its analogues,** to another who subsequently distributes or

1 dispenses such controlled dangerous substance which is the direct cause of the death
2 of the person who ingested or consumed the controlled dangerous substance.

3 **(b) Whoever commits the crime of second degree murder defined in**
4 **Subparagraph (a) of this Paragraph shall be punished by life imprisonment at**
5 **hard labor, at least twenty-five years of which shall be served without benefit**
6 **of parole, probation, or suspension of sentence.**

7 **(5)(a) When the offender unlawfully distributes or dispenses fentanyl or**
8 **a mixture or substance containing a detectable amount of fentanyl or its**
9 **analogues, or carfentanil or a mixture or substance containing a detectable**
10 **amount of carfentanil or its analogues, to another who subsequently distributes**
11 **or dispenses such controlled dangerous substance which is the direct cause of**
12 **the death of the person who ingested or consumed the controlled dangerous**
13 **substance.**

14 **(b) Whoever commits the crime of second degree murder defined in**
15 **Subparagraph (a) of this Paragraph shall be punished by life imprisonment at**
16 **hard labor without benefit of parole, probation, or suspension of sentence.**

17 **B. Except as otherwise provided in this Section, whoever** ~~Whoever~~
18 ~~commits the crime of second degree murder shall be punished by life imprisonment~~
19 ~~at hard labor without benefit of parole, probation, or suspension of sentence.~~

20 **§30.2. Felony murder**

21 **Felony murder is the killing of a human being under either of the**
22 **following circumstances:**

23 **(1)(a) When the offender is engaged in the perpetration or attempted**
24 **perpetration of aggravated or first degree rape or forcible or second degree**
25 **rape, even though he has no intent to kill or to inflict great bodily harm.**

26 **(b) Whoever commits the crime of second degree murder defined in**
27 **Subparagraph (a) of this Paragraph shall be punished by life imprisonment at**
28 **hard labor without benefit of parole, probation, or suspension of sentence.**

29 **(2)(a)When the offender is engaged in the perpetration or attempted**
30 **perpetration of aggravated arson, aggravated burglary, aggravated kidnapping,**
31 **second degree kidnapping, aggravated escape, assault by drive-by shooting,**
32 **armed robbery, first degree robbery, second degree robbery, simple robbery,**
33 **cruelty to juveniles, second degree cruelty to juveniles, or terrorism, even**
34 **though he has no intent to kill or to inflict great bodily harm.**

35 **(b) Whoever commits the crime of second degree murder defined in**
36 **Subparagraph (a) of this Paragraph shall be punished by life imprisonment at**
37 **hard labor at least twenty-five years of which shall be served without benefit of**
38 **parole, probation, or suspension of sentence."**

39 AMENDMENT NO. 3

40 Delete pages 2 and 3

41 AMENDMENT NO. 4

42 On page 4, delete lines 1 through 3

43 AMENDMENT NO. 5

44 On page 4, line 8, delete "publically" and insert "publicly"

45 AMENDMENT NO. 6

46 On page 4, delete line 13 and insert the following:

47 "Section 3. Code of Criminal Procedure Article 814(A)(1) through (4) are hereby
48 amended and reenacted and Code of Criminal Procedure Article 814(A)(72) and (73) are
49 hereby enacted to read as follows:

1 Art. 814. Responsive verdicts; in particular
2 A. The only responsive verdicts which may be rendered when the indictment
3 charges the following offenses are:

4 1. First Degree Murder:

5 Guilty.

6 Guilty of second degree murder.

7 **Guilty of felony murder.**

8 Guilty of manslaughter.

9 Not guilty.

10 2. Attempted First Degree Murder:

11 Guilty.

12 Guilty of attempted second degree murder.

13 **Guilty of attempted felony murder.**

14 Guilty of attempted manslaughter.

15 Guilty of aggravated battery.

16 Guilty of aggravated assault with a firearm.

17 Not guilty.

18 3. Second Degree Murder:

19 Guilty.

20 **Guilty of felony murder.**

21 Guilty of manslaughter.

22 Guilty of negligent homicide.

23 Not guilty.

24 4. Attempted Second Degree Murder:

25 Guilty.

26 **Guilty of attempted felony murder.**

27 Guilty of attempted manslaughter.

28 Guilty of aggravated battery.

29 Guilty of aggravated assault with a firearm.

30 Not guilty.

31 * * *

32 **72. Felony Murder:**

33 **Guilty.**

34 **Guilty of manslaughter.**

35 **Guilty of negligent homicide.**

36 **Not guilty.**

37 **73. Attempted Felony Murder:**

38 **Guilty.**

39 **Guilty of attempted manslaughter.**

40 **Guilty of aggravated battery.**

41 **Guilty of aggravated assault with a firearm.**

42 **Not guilty.**

43 * * *

44 Section 4. The provisions of this Act shall be given prospective application only."

45 AMENDMENT NO. 7

46 On page 4, line 14, change "Section 4." to "Section 5."