

2023 Regular Session

SENATE BILL NO. 107

BY SENATOR SMITH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to definition of first degree murder and penalties.
(gov sig)

1 AN ACT
2 To amend and reenact R.S. 14:30(A) and (C), relative to murder; to provide for the elements
3 of first degree murder; to provide for penalties; and to provide for related matters.

4 Be it enacted by the Legislature of Louisiana:

5 Section 1. R.S. 14:30(A) and (C) are hereby enacted to read as follows:

6 §30. First degree murder

7 A. First degree murder is the killing of a human being:

8 (1) When the offender has specific intent to kill or to inflict great bodily harm
9 and is engaged in the perpetration or attempted perpetration of aggravated
10 kidnapping, second degree kidnapping, aggravated escape, aggravated arson,
11 aggravated or first degree rape, forcible or second degree rape, aggravated burglary,
12 armed robbery, assault by drive-by shooting, ~~first degree robbery~~, second degree
13 robbery, ~~simple robbery~~, terrorism, or cruelty to juveniles, ~~or second degree cruelty~~
14 ~~to juveniles~~.

15 (2) When the offender has a specific intent to kill or to inflict great bodily
16 harm upon a fireman, peace officer, **correctional officer**, or civilian employee of the
17 Louisiana State Police Crime Laboratory or any other forensic laboratory engaged

1 in the performance of his lawful duties, or when the specific intent to kill or to inflict
2 great bodily harm is directly related to the victim's status as a fireman, peace officer,
3 **correctional officer**, or civilian employee.

4 (3) When the offender has a specific intent to kill or to inflict great bodily
5 harm upon more than one person, **whether in a single criminal episode, multiple**
6 **criminal episodes, or a series of criminal episodes**.

7 ~~(4) When the offender has specific intent to kill or inflict great bodily harm~~
8 ~~and has offered, has been offered, has given, or has received anything of value for~~
9 ~~the killing.~~

10 ~~(5) When the offender has the specific intent to kill or to inflict great bodily~~
11 ~~harm upon a victim who is under the age of twelve or sixty-five years of age or older.~~

12 ~~(6) When the offender has the specific intent to kill or to inflict great bodily~~
13 ~~harm while engaged in the distribution, exchange, sale, or purchase, or any attempt~~
14 ~~thereof, of a controlled dangerous substance listed in Schedules I, II, III, IV, or V of~~
15 ~~the Uniform Controlled Dangerous Substances Law.~~

16 ~~(7) When the offender has specific intent to kill or to inflict great bodily harm~~
17 ~~and is engaged in the activities prohibited by R.S. 14:107.1(C)(1).~~

18 (8) **(5)** When the offender has specific intent to kill or to inflict great bodily
19 harm and there has been issued by a judge or magistrate any lawful order prohibiting
20 contact between the offender and the victim in response to threats of physical
21 violence or harm which was served on the offender and is in effect at the time of the
22 homicide.

23 (9) **(6)** When the offender has specific intent to kill or to inflict great bodily
24 harm upon a victim who was a witness to a crime or was a member of the immediate
25 family of a witness to a crime committed on a prior occasion and:

26 (a) The killing was committed for the purpose of preventing or influencing
27 the victim's testimony in any criminal action or proceeding whether or not such
28 action or proceeding had been commenced; or

29 (b) The killing was committed for the purpose of exacting retribution for the

1 victim's prior testimony.

2 ~~(10) When the offender has a specific intent to kill or to inflict great bodily~~
3 ~~harm upon a taxicab driver who is in the course and scope of his employment. For~~
4 ~~purposes of this Paragraph, "taxicab" means a motor vehicle for hire, carrying six~~
5 ~~passengers or less, including the driver thereof, that is subject to call from a garage,~~
6 ~~office, taxi stand, or otherwise.~~

7 ~~(11) When the offender has a specific intent to kill or inflict great bodily~~
8 ~~harm and the offender has previously acted with a specific intent to kill or inflict~~
9 ~~great bodily harm that resulted in the killing of one or more persons.~~

10 ~~(12) When the offender has a specific intent to kill or to inflict great bodily~~
11 ~~harm upon a correctional facility employee who is in the course and scope of his~~
12 ~~employment.~~

13 * * *

14 C. (1) If the district attorney seeks a capital verdict, the offender shall be
15 punished by death or life imprisonment at hard labor without benefit of parole,
16 probation, or suspension of sentence, in accordance with the determination of the
17 jury. ~~The provisions of Code of Criminal Procedure Article 782 relative to cases in~~
18 ~~which punishment may be capital shall apply.~~

19 (2) If the district attorney does not seek a capital verdict, the offender shall
20 be punished by life imprisonment at hard labor without benefit of parole, probation
21 or suspension of sentence. ~~The provisions of Code of Criminal Procedure Article 782~~
22 ~~relative to cases in which punishment is necessarily confinement at hard labor shall~~
23 ~~apply.~~

24 Section 2. This Act shall become effective upon signature by the governor or, if not
25 signed by the governor, upon expiration of the time for bills to become law without signature
26 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
27 vetoed by the governor and subsequently approved by the legislature, this Act shall become
28 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST

SB 107 Engrossed

2023 Regular Session

Smith

Present law provides that 1st degree murder is the killing of a human being:

- (1) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in the perpetration or attempted perpetration of aggravated kidnapping, second degree kidnapping, aggravated escape, aggravated arson, aggravated or first degree rape, forcible or second degree rape, aggravated burglary, armed robbery, assault by drive-by shooting, first degree robbery, second degree robbery, simple robbery, terrorism, cruelty to juveniles, or second degree cruelty to juveniles.
- (2) When the offender has a specific intent to kill or to inflict great bodily harm upon a fireman, peace officer, or civilian employee of the La. State Police Crime Lab or any other forensic laboratory engaged in the performance of his lawful duties, or when the specific intent to kill or to inflict great bodily harm is directly related to the victim's status as a fireman, peace officer, or civilian employee.
- (3) When the offender has a specific intent to kill or to inflict great bodily harm upon more than one person.
- (4) When the offender has specific intent to kill or inflict great bodily harm and has offered, has been offered, has given, or has received anything of value for the killing.
- (5) When the offender has the specific intent to kill or to inflict great bodily harm upon a victim who is under the age of 12 or 65 years of age or older.
- (6) When the offender has the specific intent to kill or to inflict great bodily harm while engaged in the distribution, exchange, sale, or purchase, or any attempt thereof, of a controlled dangerous substance listed in certain schedules of the Uniform Controlled Dangerous Substances Law.
- (7) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in ritualistic acts defined and prohibited by present law.
- (8) When the offender has specific intent to kill or to inflict great bodily harm and there has been issued by a judge or magistrate any lawful order prohibiting contact between the offender and the victim in response to threats of physical violence or harm which was served on the offender and is in effect at the time of the homicide.
- (9) When the offender has specific intent to kill or to inflict great bodily harm upon a victim who was a witness to a crime or was a member of the immediate family of a witness to a crime committed on a prior occasion and either:
 - (a) The killing was committed for the purpose of preventing or influencing the victim's testimony in any criminal action or proceeding, whether or not such action or proceeding had been commenced.
 - (b) The killing was committed for the purpose of exacting retribution for the victim's prior testimony.
- (10) When the offender has a specific intent to kill or to inflict great bodily harm upon a taxicab driver who is in the course and scope of his employment.

- (11) When the offender has a specific intent to kill or inflict great bodily harm and the offender has previously acted with a specific intent to kill or inflict great bodily harm that resulted in the killing of one or more persons.
- (12) When the offender has a specific intent to kill or to inflict great bodily harm upon a correctional facility employee who is in the course and scope of his employment.

Proposed law deletes offenses described in items (4), (6), (7), (10), (11), and (12) of present law. Proposed law further deletes the crimes of first degree robbery, simple robbery and second degree cruelty to juveniles from present law provisions.

Proposed law otherwise retains present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:30(A) and (C))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Remove certain offenses from present law predicate felony offense provision.
2. Clarify present law provision where more than one person killed or injured may be from a single, multiple or series of events.
3. Remove present law provision relative to murder-for-hire, murder of a taxi cab driver, or a person who previously acted with specific intent to kill or inflict great bodily harm, or murder involving a controlled substance.
4. Make technical changes.