

2015 Regular Session

SENATE BILL NO. 8

BY SENATOR LONG

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

CRIME/PUNISHMENT. Provides relative to prosecutions for certain criminal offenses.  
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:29 and 33, relative to offenses against the person; to provide

3 relative to prosecutions of women who use illegal drugs while pregnant for certain

4 offenses against the person under certain circumstances; and to provide for related

5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:29 and 33 are hereby amended and reenacted to read as follows:

8 §29. Homicide

9 A. Homicide is the killing of a human being by the act, procurement, or

10 culpable omission of another. Criminal homicide is of five grades:

11 (1) First degree murder.

12 (2) Second degree murder.

13 (3) Manslaughter.

14 (4) Negligent homicide.

15 (5) Vehicular homicide.

16 **B. Nothing in this Title shall be construed to preclude the prosecution**

17 **under this Subpart of a woman who illegally uses while pregnant any substance**

1 classified as a controlled dangerous substance pursuant to Title 40 of the  
 2 Louisiana Revised Statutes of 1950, if the child dies as a result of the use of the  
 3 substance while pregnant.

4 \* \* \*

5 §33. Battery defined

6 A. Battery is the intentional use of force or violence upon the person of  
 7 another<sub>2</sub>, or the intentional administration of a poison or other noxious liquid or  
 8 substance to another.

9 B. Nothing in this Title shall be construed to preclude the prosecution  
 10 under this Subpart, for any grade of battery, of a woman who illegally uses  
 11 while pregnant any substance classified as a controlled dangerous substance  
 12 pursuant to Title 40 of the Louisiana Revised Statutes of 1950, if the child is  
 13 born addicted to, or otherwise harmed by, the substance used while pregnant.

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

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The original instrument and the following digest, which constitutes no part  
 of the legislative instrument, were prepared by Alden A. Clement, Jr.

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DIGEST

SB 8 Original

2015 Regular Session

Long

Present law provides relative to the crime of homicide and defines homicide as the killing  
 of a human being by the act, procurement, or culpable omission of another. Present law  
 further provides that homicide is of five grades:

- (1) First degree murder.
- (2) Second degree murder.
- (3) Manslaughter.
- (4) Negligent homicide.
- (5) Vehicular homicide.

Proposed law retains present law and adds that nothing in present law relative to criminal

offenses can be construed to preclude the prosecution for homicide of a woman who uses an illegal drug while pregnant if the child dies as a result of the use of the illegal drug.

Present law provides relative to the crime of battery and defines battery as the intentional use of force or violence upon the person of another, or the intentional administration of a poison or other noxious liquid or substance to another.

Proposed law retains present law and adds that nothing in present law relative to criminal offenses can be construed to preclude the prosecution for any grade of battery of a woman who uses an illegal drug while pregnant if the child is born addicted to, or otherwise harmed by, the illegal drug used while pregnant.

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

(Amends R.S. 14:29 and 33)