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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 52 Original 2018 Regular Session Morrell

Present law defines second degree murder as the killing of a human being:

- (1) When the offender has a specific intent to kill or to inflict great bodily harm.
- (2) When the offender is engaged in the perpetration or attempted perpetration of aggravated or first degree rape, forcible or second degree rape, aggravated arson, aggravated burglary, aggravated kidnapping, second degree kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to inflict great bodily harm.
- (3) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in present law (Uniform Controlled Dangerous Substances Law), or any combination thereof, which is the direct cause of the death of the recipient who ingested or consumed the controlled dangerous substance.
- (4) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in present law (Uniform Controlled Dangerous Substances Law), or any combination thereof, to another who subsequently distributes or dispenses such controlled dangerous substance which is the direct cause of the death of the person who ingested or consumed the controlled dangerous substance.

Present law provides relative to the crime of false swearing for purposes of violating public health or safety. Present law provides that no person can make a false statement, report, or allegation concerning the commission of a crime for the purpose of violating, disrupting, interfering with, or endangering the public health or safety, or to deprive any person or persons of any right, privilege, or immunity secured by the U.S. Constitution and laws or by the La. Constitution and laws, or cause such false statement or report to be made to any official or agency of the state or any parish, city, or political subdivision thereof, or to any judicial, executive, or legislative body or subdivision thereof within the state, knowing or having reason to believe the same or any material part thereof to be false and with the intent to cause an investigation of or any other action to be taken as a result thereof.

Proposed law retains present law and does the following:

- (1) Adds the crime of false swearing for purposes of violating public health or safety to the list of crimes that, if resulting in death, constitute second degree murder.
- (2) Adds that the intent to trigger a law enforcement response to a false report of an alleged

crime is included in the crime of false swearing for purposes of violating public health or safety.

Present law provides that whoever commits the crime of second degree murder is to be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Proposed law retains present law.

Present law provides that any person convicted of the crime of false swearing for purposes of violating public health or safety is to be imprisoned, with or without hard labor, for between one and five years, or fined between \$100 and \$1,000, or both.

Proposed law retains present law but adds that these present law penalties apply except when the crime of false swearing has triggered a law enforcement response and results in death, in which case the present law penalty for second degree murder applies.

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

(Amends R.S. 14:30.1(A)(2) and 126.1)