

## HOUSE SUMMARY OF SENATE AMENDMENTS

HB 223

2018 Regular Session

Marino

CRIMINAL/SENTENCING: Provides relative to responsive verdicts

### Synopsis of Senate Amendments

1. Adds "guilty of aggravated assault with a firearm" to the present law list of responsive verdicts for "attempted first degree murder" and "attempted second degree murder".
2. With regard to the responsive verdicts for "attempted third degree rape", removes the provision which stated that the offense was formerly titled "simple rape".

### Digest of Bill as Finally Passed by Senate

Present law (C.Cr.P. Art. 814) provides for a specified list of responsive verdicts for certain offenses that are required to be used by the jury when rendering its verdict. In any case in which a responsive verdict is not specifically provided for by present law, present law (C.Cr.P. Art. 815) provides general verdicts that are responsive and include the following: guilty, guilty of a lesser included grade of the offense, and not guilty.

Present law provides specified responsive verdicts for certain violations of the Uniform Controlled Dangerous Substances (CDS) Law, and further provides that in any case arising under the CDS Law not provided for in the specified list of responsive verdicts, the general verdicts provided by present law (C.Cr.P. Art. 815) shall apply.

Certain penalties provided under the present CDS Law depend upon the weight of the substance involved.

Proposed law retains present law relative to responsive verdicts for cases arising under the CDS Law, but provides that any offense arising under the CDS Law that is graded according to the weight of the substance, the responsive verdicts shall include grades of the offense that are based upon lesser weights than the weight of the substance that is charged in the indictment.

Present law crimes of theft, simple criminal damage to property, and unauthorized use of a movable provide certain penalties based on the value of the property that is taken or damaged.

Prior to Act No. 281 of the 2017 R.S., the crime of theft provided certain criminal penalties based on the following thresholds:

- (1) The misappropriation or taking amounts to a value of \$25,000 or more.
- (2) The misappropriation or taking amounts to a value of \$5,000 or more, but less than a value of \$25,000.
- (3) The misappropriation or taking amounts to a value of \$750 or more, but less than a value of \$5,000.
- (4) The misappropriation or taking amounts to a value of less than \$750.

Prior to Act No. 281 of the 2017 R.S., the crime of simple criminal damage to property

provided certain criminal penalties based on the following thresholds:

- (1) The damage is less than \$500.
- (2) The damage amounts to \$500 but less than \$50,000.

Prior to Act No. 281 of the 2017 R.S., the crime of unauthorized use of a movable provided certain criminal penalties based on the following thresholds:

- (1) The movable has a value of \$500 or less.
- (2) The movable has a value in excess of \$500.

Act No. 281 of the 2017 R.S. amended the threshold values for certain penalties provided in the crimes of theft, simple criminal damage to property, and unauthorized use of a movable to provide as follows:

- (1) For the crime of theft, the threshold value of \$750 was increased to a value of \$1,000.
- (2) For the crimes of simple criminal damage to property and unauthorized use of a movable, the threshold value of \$500 was increased to \$1,000.

Present law responsive verdicts for the crimes of theft, aggravated criminal damage to property, simple criminal damage to property, and the attempt to commit these offenses do not reflect the present law threshold values for the crimes of theft, simple criminal damage to property, and unauthorized use of a movable, but instead reflect the law that was in effect prior to Act No. 281 of the 2017 R.S.

Proposed law amends the present law responsive verdicts for the crimes of theft, aggravated criminal damage to property, simple criminal damage to property, and the attempt to commit these offenses to reflect the present law threshold values for the crimes of theft, simple criminal damage to property, and unauthorized use of a movable.

Proposed law adds "guilty of aggravated assault with a firearm" to the present law list of responsive verdicts for "attempted first degree murder" and "attempted second degree murder".

Proposed law makes other technical changes to present law, including renumbering the responsive verdicts provided in present law to remove decimalization.

(Amends C.Cr.P. Art. 814(A) and (B))