HLS 20RS-613 REENGROSSED

2020 Regular Session

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HOUSE BILL NO. 434

BY REPRESENTATIVE HILFERTY

CRIME/HOMICIDE: Provides relative to certain homicide offenses

1 AN ACT 2 To enact R.S. 14:30.1(A)(5) and 31(A)(3), relative to homicide; to provide relative to second 3 degree murder and manslaughter; to provide relative to the elements of the crimes 4 of second degree murder and manslaughter; to provide relative to a continuous 5 sequence of events resulting in the death of a human being; and to provide for related 6 matters. 7 Be it enacted by the Legislature of Louisiana: 8 Section 1. R.S. 14:30.1(A)(5) and 31(A)(3) are hereby enacted to read as follows: 9 §30.1. Second degree murder 10 A. Second degree murder is the killing of a human being: 11 12 (5) When the offender commits or attempts to commit first degree rape, 13 second degree rape, aggravated arson, aggravated burglary, aggravated kidnapping, 14 second degree kidnapping, aggravated escape, assault by drive-by shooting, armed 15 robbery, first degree robbery, second degree robbery, simple robbery, cruelty to 16 juveniles, second degree cruelty to juveniles, or terrorism, which is part of a 17 continuous sequence of events resulting in the death of a human being where it was 18 foreseeable that the offender's conduct during the commission of the crime could 19 result in death or great bodily harm to a human being, even if the offender has no

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intent to kill or to inflict great bodily harm. For purposes of this Paragraph, it shall

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1 be immaterial whether or not the person who performed the direct act resulting in the 2 death was acting in concert with the offender. 3 4 §31. Manslaughter 5 A. Manslaughter is: 6 7 (3) When the offender commits or attempts to commit any crime of violence 8 as defined by R.S. 14:2(B) that is not enumerated in R.S. 14:30 or 30.1, which is part 9 of a continuous sequence of events resulting in the death of a human being where it 10 was foreseeable that the offender's conduct during the commission of the crime could 11 result in death or great bodily harm to a human being, even if the offender has no 12 intent to kill or to inflict great bodily harm. For purposes of this Paragraph, it shall be immaterial whether or not the person who performed the direct act resulting in the 13 14 death was acting in concert with the offender. 15

DIGEST

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HB 434 Reengrossed

2020 Regular Session

Hilferty

Abstract: Amends the crimes of second degree murder and manslaughter to provide relative to a continuous sequence of events resulting in the death of a human being.

<u>Present law</u> provides that second degree murder is the killing of a human being 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 or terrorism, even though he has no intent to kill or to inflict great bodily harm.

<u>Proposed law</u> adds to <u>present law</u> to provide relative to when an offender commits or attempts to commit first degree rape, 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, which is part of a continuous sequence of events resulting in the death of a human being where it was foreseeable that the offender's conduct during the commission of the crime could result in death or great bodily harm to a human being, even if the offender has no intent to kill or to

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inflict great bodily harm. Further provides that it shall be immaterial whether or not the person who performed the direct act resulting in the death was acting in concert with the offender.

<u>Present law</u> provides that manslaughter is a homicide committed, without any intent to cause death or great bodily harm.

<u>Proposed law</u> adds to <u>present law</u> to provide relative to when an offender commits or attempts to commit any crime of violence as defined by <u>present law</u> (R.S. 14:2(B)) that is not enumerated in first degree murder or second degree murder, which is part of a continuous sequence of events resulting in the death of a human being where it was foreseeable that the offender's conduct during the commission of the crime could result in death or great bodily harm to a human being, even if the offender has no intent to kill or to inflict great bodily harm. Further provides that it shall be immaterial whether or not the person who performed the direct act resulting in the death was acting in concert with the offender.

(Adds R.S. 14:30.1(A)(5) and 31(A)(3))

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

- 1. Restore <u>present law</u> relative to the elements of second degree murder and manslaughter.
- 2. Add elements to the <u>present law</u> crimes of second degree murder and manslaughter to provide relative to when an offender commits or attempts to commit a certain <u>present law</u> crime of violence that is part of a continuous sequence of events resulting in the death of a human being where it was foreseeable that the offender's conduct during the commission of the crime could result in death or great bodily harm to a human being, even if the offender has no intent to kill or to inflict great bodily harm.
- 3. Provide that it is immaterial whether or not the person who performed the direct act resulting in the death was acting in concert with the offender.