

**SENATE COMMITTEE AMENDMENTS**

2020 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Reengrossed House Bill No. 434 by Representative Hilferty

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1 AMENDMENT NO. 1

2 On page 2, after line 15, insert the following:

3 "Section 2. Official Comment to the Law: Since *State v. Garner*, 238 La. 563, 115  
4 So.2d 855 (1959), Louisiana law has espoused the "agency" theory of liability for felony  
5 murder and felony manslaughter, whereby an individual is only criminally liable for a killing  
6 if the direct act of killing was committed either by the individual himself or by one acting  
7 in concert with the individual. As such, this has left open the possibility that an individual  
8 may, by committing a serious crime, set into motion a sequence of events proximately  
9 causing the death of an innocent person, and yet elude justice because the direct act of killing  
10 is committed by one acting adverse to or otherwise not in concert with the individual. These  
11 new provisions of law fill in the gap left by *Garner* and its progeny so as to allow such  
12 malefactors to be appropriately held accountable for the consequences of their actions while  
13 in no way abrogating, altering, restricting, or limiting criminal liability under any existing  
14 law relative to felony murder or felony manslaughter or under any other existing law."