

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 434

2020 Regular Session

Hilferty

CRIME/HOMICIDE: Provides relative to the crime of manslaughter

Synopsis of Senate Amendments

1. Removes proposed law changes to the present law crime of second degree murder.
2. Amends the proposed law element of manslaughter to provide relative to when an offender commits or attempts to commit any crime of violence as defined by present law rather than just those crimes of violence that are not enumerated by the present law crimes of first degree murder and second degree murder.
3. Provides legislative commentary to proposed law to fill in the gap left by *State v. Garner*, 238 La. 563, 115 So.2d 855 (1959).

Digest of Bill as Finally Passed by Senate

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

Proposed law adds to present law to provide relative to when an offender commits or attempts to commit any crime of violence as defined by present law (R.S. 14:2(B)), 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.

Proposed law adds legislative commentary to fill in the gap left by *State v. Garner*, 238 La. 563, 115 So.2d 855 (1959).

(Adds R.S. 14:31(A)(3))