

2021 Regular Session

HOUSE BILL NO. 158

BY REPRESENTATIVE JONES

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to second degree murder

1 AN ACT

2 To amend and reenact R.S. 14:30.1 and to enact R.S. 15:827.2(E), relative to second degree
3 murder; to provide relative to certain elements of second degree murder; to provide
4 relative to the sentencing of second degree murder; to require the Department of
5 Public Safety and Corrections to compile certain information regarding those
6 imprisoned under second degree murder; to provide for an effective date; to provide
7 for prospective and retroactive application; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 14:30.1 is hereby amended and reenacted to read as follows:

10 §30.1. Second degree murder

11 A. Second degree murder is the killing of a human being under either of the
12 following circumstances:

13 (1) When the offender has a specific intent to kill or to inflict great bodily
14 harm; ~~or,~~

15 (2) When the offender is engaged in the perpetration or attempted
16 perpetration of aggravated or first degree rape, forcible or second degree rape,
17 aggravated arson, aggravated burglary, aggravated kidnapping, second degree
18 kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first
19 degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second

1 degree cruelty to juveniles, or terrorism, ~~even though he has no intent to kill or to~~
2 ~~inflict great bodily harm.~~

3 ~~(3) When the offender unlawfully distributes or dispenses a controlled~~
4 ~~dangerous substance listed in Schedules I through V of the Uniform Controlled~~
5 ~~Dangerous Substances Law, or any combination thereof, which is the direct cause~~
6 ~~of the death of the recipient who ingested or consumed the controlled dangerous~~
7 ~~substance.~~

8 ~~(4) When the offender unlawfully distributes or dispenses a controlled~~
9 ~~dangerous substance listed in Schedules I through V of the Uniform Controlled~~
10 ~~Dangerous Substances Law, or any combination thereof, to another who~~
11 ~~subsequently distributes or dispenses such controlled dangerous substance which is~~
12 ~~the direct cause of the death of the person who ingested or consumed the controlled~~
13 ~~dangerous substance.~~

14 B.(1) Whoever commits the crime of second degree murder as provided in
15 Paragraph (A)(1) shall be punished by the minimum sentence of life imprisonment
16 at hard labor with the first twenty-five years without benefit of parole, probation or
17 suspension of sentence and a maximum sentence of life imprisonment at hard labor
18 without benefit of parole, probation, or suspension of sentence.

19 (2) Whoever commits the crime of second degree murder as provided in
20 Paragraph (A)(2) shall be punished by a sentence of life imprisonment at hard labor
21 with the first twenty-five years without benefit of parole, probation, or suspension
22 of sentence.

23 Section 2. R.S. 15:827.2(E) is hereby enacted to read as follows:

24 §827.2. Data collection and reporting requirements

25 * * *

26 E. The department shall compile and make publically available a list of all
27 people within its custody imprisoned under R.S. 14:30.1 by September 1, 2021. The
28 list shall include the date imprisonment began, the Department of Public Safety and
29 Corrections identification number, and the parish in which the person was convicted.

1 The department shall compile and make available to the public the list quarterly until
2 September 1, 2022, and then annually thereafter.

3 Section 3. The provisions of this Act shall be given prospective and retroactive
4 application.

5 Section 4. This Act shall become effective on September 1, 2021.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 158 Original

2021 Regular Session

Jones

Abstract: Amends certain elements of second degree murder; provides for a minimum and maximum sentence for those convicted of second degree murder; and requires the Dept. of Public Safety and Corrections to compile a list to be made public of all people in its custody imprisoned under second degree murder by Sept. 1, 2021.

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

Proposed law limits the application of present law to any individual with the specific intent to kill or any individual engaged in the perpetration or attempted perpetration of the listed present law crimes.

Proposed law removes from the elements of second degree murder the unlawful distribution or dispensing of a controlled dangerous substance or any combination thereof which is the

direct cause of death of a recipient who ingested or consumed the controlled dangerous substance.

Proposed law also removes from the elements of second degree murder the unlawful distribution or dispensing of a controlled dangerous substance or any combination thereof to another who subsequently distributes or dispenses such controlled dangerous substance which is the direct cause of death of the person who ingested or consumed the controlled dangerous substance.

Proposed law requires a minimum sentence of life imprisonment at hard labor with the first 25 years without benefit of parole, probation, or suspension of sentence and proposed law specifies that the maximum sentence is life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence when the offender has a specific intent to kill or to inflict great bodily harm.

Proposed law requires a sentence of life imprisonment at hard labor with the first 25 years without benefit of parole, probation, or suspension of sentence when the offender is engaged in the perpetration or attempted perpetration of the listed activity and committed the homicide.

Proposed law requires the Dept. of Public Safety and Corrections to compile a list to be made available to the public of all people in its custody imprisoned under second degree murder by Sept. 1, 2021.

Proposed law further requires that the list shall include the date imprisonment began, the Dept. of Public Safety and Corrections identification number, and the parish in which that person was convicted.

Proposed law further requires that the list be made quarterly until Sept. 1, 2022, and then annually after.

Specifies that proposed law shall have retroactive and prospective application.

Effective Sept. 1, 2021.

(Amends R.S. 14:30.1; Adds R.S. 15:827.2(E))