
DIGEST

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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))