

2022 Regular Session

SENATE BILL NO. 294

BY SENATOR JACKSON

CRIME/PUNISHMENT. Eliminates the death penalty for offenses committed on or after August 1, 2022, and allocates savings generated to Early Childhood Education Fund literacy programs. (8/1/22)

1 AN ACT

2 To amend and reenact R.S. 14:30(C), 42(D), and 113(C) and to enact R.S. 15:827.3(C),
3 relative to offenses punishable by death; to eliminate the death penalty as
4 punishment for the crimes of first degree murder, first degree rape, and treason; to
5 provide for the penalty of life imprisonment without benefit of parole, probation, or
6 suspension of sentence for the crime of treason; to provide for prospective
7 application; to provide that savings realized from the elimination of the death penalty
8 be allocated to Early Childhood Education Fund literacy programs; and to provide
9 for related matters.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 14:30(C), 42(D), and 113(C) are hereby amended and reenacted to
12 read as follows:

13 §30. First degree murder

14 * * *

15 C.(1) ~~If~~ **Except as provided in Paragraph (2) of this Subsection, if** the
16 district attorney seeks a capital verdict, the offender shall be punished by death or
17 life imprisonment at hard labor without benefit of parole, probation, or suspension

1 of sentence, in accordance with the determination of the jury. The provisions of Code
2 of Criminal Procedure Article 782 relative to cases in which punishment may be
3 capital shall apply.

4 (2) If the district attorney does not seek a capital verdict **or if the offense**
5 **was committed on or after August 1, 2022,** the offender shall be punished by life
6 imprisonment at hard labor without benefit of parole, probation, or suspension of
7 sentence. The provisions of Code of Criminal Procedure Article 782 relative to cases
8 in which punishment is necessarily confinement at hard labor shall apply.

9 * * *

10 §42. First degree rape

11 * * *

12 D.(1) Whoever commits the crime of first degree rape shall be punished by
13 life imprisonment at hard labor without benefit of parole, probation, or suspension
14 of sentence.

15 ~~(2) However, if the victim was under the age of thirteen years, as provided~~
16 ~~by Paragraph (A)(4) of this Section:~~

17 ~~(a) And if the district attorney seeks a capital verdict, the offender shall be~~
18 ~~punished by death or life imprisonment at hard labor without benefit of parole,~~
19 ~~probation, or suspension of sentence, in accordance with the determination of the~~
20 ~~jury. The provisions of Code of Criminal Procedure Art. 782 relative to cases in~~
21 ~~which punishment may be capital shall apply.~~

22 ~~(b) And if the district attorney does not seek a capital verdict, the offender~~
23 ~~shall be punished by life imprisonment at hard labor without benefit of parole,~~
24 ~~probation, or suspension of sentence. The provisions of Code of Criminal Procedure~~
25 ~~Art. 782 relative to cases in which punishment is necessarily confinement at hard~~
26 ~~labor shall apply.~~

27 * * *

28 §113. Treason

29 * * *

Present law provides that any person convicted of the crime of treason is to be punished by death.

Proposed law eliminates the death penalty as a possible punishment for the crimes of first degree murder, first degree rape, and treason. Proposed law further provides for the penalty of life imprisonment without benefit of parole, probation, or suspension of sentence for these offenses.

Proposed law provides that the elimination of the death penalty as provided in proposed law applies only to offenses committed on or after 8/1/22. For offenses committed prior to 8/1/22, proposed law retains present law.

Proposed law requires the La. District Attorneys Association, the Dept. of Public Safety and Corrections, and the La. Public Defender Board to provide a statement of calculated annual savings realized as a result of the elimination of the death penalty to the commissioner of administration and the Joint Legislative Committee on the Budget. Proposed law further provides that these savings are to be allocated to the Early Childhood Education Fund for grant funding of child day care literacy programs.

Effective August 1, 2022.

(Amends R.S. 14:30(C), 42(D), and 113(C); adds R.S. 15:827.3(C))