

---

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

---

DIGEST

SB 294 Original

2022 Regular Session

Jackson

Present law provides that any person convicted of the crime of first degree murder is to be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Present law provides that any person convicted of the crime of first degree rape is to be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, except that if the victim of the first degree rape was under the age of 13 years, the district attorney may seek the death penalty. (Although this provision which allowed for the offender to be sentenced to death for first degree rape was declared unconstitutional by the U.S. Supreme Court in *Kennedy v. Louisiana*, 128 S.Ct. 2641 (2008), this provision was never repealed from present law.)

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))