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

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DIGEST

SB 338 Original

2022 Regular Session

Jackson

Present law provides that the court, upon motion of the state or the defendant, may exclude lesser-included offenses, after the evidence has been presented, in a light most favorable to the state, if there is insufficient evidence to reasonably permit a finding of guilt of the responsive offense.

Proposed law retains present law and adds that upon motion of the defendant, the court may exclude lesser-included offenses as responsive verdicts presented to the trier of fact on the charge in the indictment.

Present law provides for certain offenses to have responsive verdicts. Present law further provides that if the offense at issue is not listed in present law, the responsive verdicts include "guilty", "guilty of a lesser and included grade of the offense even though the offense charged is a felony and the lesser offense is a misdemeanor", or "not guilty".

Proposed law excludes the crime of malfeasance in office from having lesser-included responsive verdicts.

Effective August 1, 2022.

(Amends C.Cr.P. Art. 814(C) and 815)