

was a witness to a crime or was a member of the immediate family of a witness to a crime committed on a prior occasion and either:

- (a) The killing was committed for the purpose of preventing or influencing the victim's testimony in any criminal action or proceeding whether or not such action or proceeding had been commenced.
 - (b) The killing was committed for the purpose of exacting retribution for the victim's prior testimony.
- (10) When the offender has a specific intent to kill or to inflict great bodily harm upon a taxicab driver who is in the course and scope of his employment.
 - (11) When the offender has a specific intent to kill or inflict great bodily harm and the offender has previously acted with a specific intent to kill or inflict great bodily harm that resulted in the killing of one or more persons.
 - (12) When the offender has a specific intent to kill or to inflict great bodily harm upon a correctional facility employee who is in the course and scope of his employment.

Proposed law provides that offenses described in items (1), (3), (4), (6), (7), (8), (9), and (10) above be re-designated as 2nd degree murder rather than 1st degree murder. Proposed law requires that offenders committing these re-designated offenses be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Present law requires that, if the district attorney seeks a capital verdict, and the offender is convicted with a capital verdict, then the offender be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, in accordance with the determination of the jury.

Proposed law requires that, if the district attorney seeks a capital verdict for offenses described in items (2), (5), (11), or (12) above, then the following requirements apply:

- (1) The parish governing authority appropriate and deposit a minimum of \$500,000 into the registry of the court within 15 days of the accused's arrest to pay for the costs of the offender's defense, including but not limited to attorney fees, investigator fees, expert witness fees, and any other incidental costs of his defense.
- (2) The payments be disbursed to defense counsel upon the production of accrued costs for *in camera*, *ex parte* inspection by the trial judge assigned to the matter, with the produced documents provided under seal and without review by the state.

Present law requires that, if the district attorney does not seek a capital verdict, and the offender is convicted, the offender be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Present law provides that 2nd 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; or
- (2) When the offender is engaged in the perpetration or attempted perpetration of aggravated or 1st degree rape, forcible or 2nd degree rape, aggravated arson, aggravated burglary, aggravated kidnapping, 2nd degree kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, 1st degree robbery, 2nd degree robbery, simple robbery, cruelty to juveniles, 2nd 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 certain schedules 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 certain schedules 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 requires that whoever commits the crime of second degree murder be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Proposed law provides that the offenses described in items (1), (2), (3), and (4) above be punished by life imprisonment at hard labor, with the first 40 years of the sentence served without benefit of parole, probation, or suspension of sentence.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:30, 30.1(A)(intro para), and 30.1(A)(1) and (B); adds R.S. 14:30.1(C) and (D))