

2023 Regular Session

HOUSE BILL NO. 96

BY REPRESENTATIVE THOMAS

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME: Provides relative to penalties and responsive verdicts for negligent homicide

1 AN ACT

2 To amend and reenact R.S. 14:32(C)(1), (2)(a), and (3) and (E) and Code of Criminal  
3 Procedure Article 814(A)(3) and (5) and to enact R.S. 14:32(F) and Code of  
4 Criminal Procedure Article 814(A)(7.1), relative to negligent homicide; to provide  
5 for penalties; to provide for a definition; to provide for responsive verdicts; and to  
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:32(C)(1), (2)(a), and (3) and (E) are hereby amended and  
9 reenacted and R.S. 14:32(F) is hereby enacted to read as follows:

10 §32. Negligent homicide

11 \* \* \*

12 C.(1) Except as provided for in Paragraph (2) of this Subsection, whoever  
13 commits the crime of negligent homicide shall be imprisoned with or without hard  
14 labor for not more than ~~five~~ twenty years, fined not more than five thousand dollars,  
15 or both.

16 (2)(a) If the victim killed was under the age of ten years, the offender shall  
17 be imprisoned at hard labor, without benefit of probation, parole, or suspension of  
18 sentence, for not less than two nor more than ~~five~~ twenty years.

19 \* \* \*

1 (3) If the victim was killed by a dog or other animal, the owner of the dog  
2 or other animal shall be imprisoned with or without hard labor for not more than ~~five~~  
3 twenty years or fined not more than five thousand dollars, or both.

4 \* \* \*

5 E. For the purposes of this Section:

6 (1) "Firearm" shall have the same definition as in R.S. 14:95.1(E).

7 ~~(1)~~ (2) "Harboring or keeping" means feeding, sheltering, or having custody  
8 over the animal for three or more consecutive days.

9 ~~(2)~~ (3) "Livestock" means any animal except dogs and cats, bred, kept,  
10 maintained, raised, or used for profit, that is used in agriculture, aquaculture,  
11 agritourism, competition, recreation, or silvaculture, or for other related purposes or  
12 used in the production of crops, animals, or plant or animal products for market.  
13 This definition includes but is not limited to cattle, buffalo, bison, oxen, and other  
14 bovine; horses, mules, donkeys, and other equine; goats; sheep; swine; chickens,  
15 turkeys, and other poultry; domestic rabbits; imported exotic deer and antelope, elk,  
16 farm-raised white-tailed deer, farm-raised ratites, and other farm-raised exotic  
17 animals; fish, pet turtles, and other animals identified with aquaculture which are  
18 located in artificial reservoirs or enclosures that are both on privately owned property  
19 and constructed so as to prevent, at all times, the ingress and egress of fish life from  
20 public waters; any commercial crawfish from any crawfish pond; and any hybrid,  
21 mixture, or mutation of any such animal.

22 ~~(3)~~ (4) "Owner" means any person, partnership, corporation, or other legal  
23 entity owning, harboring, or keeping any animal.

24 F. When the killing of a human being is caused proximately or caused  
25 directly by the discharge of a firearm, the offender shall be imprisoned at hard labor  
26 for an additional period of not more than five years without benefit of parole,  
27 probation, or suspension of sentence. The additional penalty imposed pursuant to  
28 this Subsection shall be served consecutively to the sentence imposed under the  
29 provisions of Subsection C of this Section.

1 Section 2. Code of Criminal Procedure Article 814(A)(3) and (5) are hereby  
2 amended and reenacted and Code of Criminal Procedure Article 814(A)(7.1) is hereby  
3 enacted to read as follows:

4 Art. 814. Responsive verdicts; in particular

5 A. The only responsive verdicts which may be rendered when the indictment  
6 charges the following offenses are:

7 \* \* \*

8 3. Second Degree Murder:

9 Guilty.

10 Guilty of manslaughter.

11 Guilty of negligent homicide committed by discharge of a firearm.

12 Guilty of negligent homicide.

13 Not guilty.

14 \* \* \*

15 5. Manslaughter:

16 Guilty.

17 Guilty of negligent homicide committed by discharge of a firearm.

18 Guilty of negligent homicide.

19 Not guilty.

20 \* \* \*

21 7.1. Negligent homicide committed by discharge of a firearm:

22 Guilty.

23 Guilty of negligent homicide.

24 Not guilty.

25 \* \* \*

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 96 Original

2023 Regular Session

Thomas

**Abstract:** Provides relative to penalties and responsive verdicts for negligent homicide.

Present law (R.S. 14:32) provides for the crime of negligent homicide.

Proposed law retains present law.

Present law (R.S. 14:32(C)(1)) provides that whoever commits the crime of negligent homicide shall be imprisoned with or without hard labor for not more than five years, fined not more than \$5,000, or both.

Proposed law amends present law to change the penalty length from five years to 20 years.

Present law (R.S. 14:32(C)(2)(a)) provides that if the victim killed was under the age of 10 years, the offender shall be imprisoned at hard labor, without benefit of probation, parole, or suspension of sentence, for not less than two nor more than five years.

Proposed law amends present law to change the penalty length from five years to 20 years.

Present law (R.S. 14:32(C)(3)) provides that if the victim was killed by a dog or other animal, the owner of the dog or other animal shall be imprisoned with or without hard labor for not more than five years or fined not more than \$5,000, or both.

Proposed law amends present law to change the penalty length from five years to 20 years.

Present law (R.S. 14:32(E)) provides for the definitions of "harboring or keeping", "livestock", and "owner".

Proposed law amends present law to add a definition for "firearm".

Proposed law provides that when the killing of a human being is caused proximately or caused directly by the discharge of a firearm, the offender shall be imprisoned at hard labor for an additional period of not more than five years without benefit of parole, probation, or suspension of sentence. Further provides that the additional penalty imposed pursuant to proposed law shall be served consecutively to the sentence imposed under the provisions of present law (R.S. 14:32(C)).

Present law (C.Cr.P. Art. 814) provides relative to responsive verdicts in criminal trials.

Proposed law amends present law to add "Guilty of negligent homicide committed by discharge of a firearm" to the responsive verdicts for second degree murder and manslaughter.

Proposed law adds that the only responsive verdicts that may be rendered when the indictment charges negligent homicide committed by discharge of a firearm are:

- (1) Guilty.
- (2) Guilty of negligent homicide.

(3) Not guilty.

(Amends R.S. 14:32(C)(1), (2)(a), and (3) and (E) and C.Cr.P. Art. 814(A)(3) and (5); Adds R.S. 14:32(F) and C.Cr.P. Art. 814(A)(7.1))