



Proposed law otherwise retains present law, including the present law penalty of life imprisonment without benefit of parole, probation, or suspension of sentence for second degree murder committed when the offender distributes or dispenses fentanyl or carfentanil which is the direct cause of the death of the recipient, or when the offender unlawfully distributes or dispenses fentanyl or carfentanil, to another who subsequently distributes or dispenses the controlled dangerous substance which is the direct cause of the death of recipient.

Proposed law creates the crime of felony murder, which is the killing of a human being when the offender is engaged in the perpetration or attempted perpetration of aggravated arson, aggravated burglary, aggravated kidnapping, second degree kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to inflict great bodily harm.

Proposed law provides that felony murder committed when the offender is engaged in the perpetration or attempted perpetration first degree rape or second degree rape will be punished by life imprisonment at hard labor.

Proposed law provides that felony murder committed when the offender is engaged in the perpetration or attempted perpetration of aggravated arson, aggravated burglary, aggravated kidnapping, second degree kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to inflict great bodily harm and will be punished by life imprisonment at hard labor with a minimum of 25 years served without benefit of parole, probation, or suspension of sentence, allowing for the balance to be served with benefit of parole, probation, or suspension of sentence.

Proposed law provides for responsive verdicts for first degree murder, attempted first degree murder, second degree murder, attempted second degree murder, felony murder and attempted felony murder.

Proposed law requires the Dept. of Public Safety and Corrections to compile and make available a list of inmates in the custody of the department for a conviction of second degree murder. Proposed law further provides that the list must include the date of imprisonment, the Dept. of Corrections identification number, and the parish where the offender was convicted.

Proposed law relative to second degree murder and felony murder are given prospective application only.

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

(Amends R.S. 14:30.1 and C.Cr.P. Art. 814(A)(1) - (4); adds R.S. 14:30.2, R.S. 15:827.2(E), and C.Cr.P. Art. 814(A)(72) and (73))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

1. Delete certain provisions of proposed law relative to second degree murder.
2. Create crime of felony murder.
3. Add certain responsive verdicts.
4. Make technical changes