

**HOUSE SUMMARY OF SENATE AMENDMENTS**

**HB 102**

**2026 Regular Session**

**Wiley**

CRIME: Creates the crime of second degree cruelty to the elderly and persons with infirmities

**Synopsis of Senate Amendments**

1. Provides that the following circumstances constitute first degree murder when the offender has specific intent to kill or to inflict great bodily harm:
  - (a) When the offender, while released on bail, on probation, or under parole supervision, commits first degree murder in violation of a specific restriction or condition imposed by the court, the committee on parole, or by law.
  - (b) When a firearm is used in the commission of first degree murder and the offender was prohibited by law from possessing a firearm at the time of the offense.
  - (c) When the victim is in a public place and the offender knowingly creates a risk of death or great bodily harm to three or more persons.
2. Requires a rebuttable presumption, for the purposes of first or second degree murder, that the act of pointing and discharging a firearm at another human being constitutes specific intent to kill or to inflict great bodily harm upon that person.
3. Makes technical changes.

**Digest of Bill as Finally Passed by Senate**

Present law (R.S. 14:2(B)) provides for a list of offenses that are designated as crimes of violence.

Proposed law retains present law and adds the proposed law offense of second degree cruelty to the elderly and persons with infirmities.

Present law (R.S. 14:30 and 30.1) provides for the offenses of first and second degree murder.

Proposed law retains present law and adds the proposed law offense of second degree cruelty to the elderly and persons with infirmities as a predicate felony to these present law offenses.

Proposed law provides that the following circumstances constitute first degree murder when the offender has specific intent to kill or to inflict great bodily harm:

- (1) When the offender, while released on bail, on probation, or under parole supervision, commits first degree murder in violation of a specific restriction or condition imposed by the court, the committee on parole, or by law.
- (2) When a firearm is used in the commission of first degree murder and the offender was prohibited by law from possessing a firearm at the time of the offense.
- (3) When the victim is in a public place and the offender knowingly creates a risk of death or great bodily harm to three or more persons.

Proposed law requires a rebuttable presumption, for the purposes of first or second degree murder, that the act of pointing and discharging a firearm at another human being constitutes specific intent to kill or to inflict great bodily harm upon that person.

Proposed law creates the crime of second degree cruelty to the elderly and persons with infirmities and provides for elements, definitions, exceptions, and penalties.

Proposed law provides an affirmative defense to a caregiver who provided treatment in accordance with a well-recognized spiritual method of healing in lieu of medical treatment.

Proposed law provides for a penalty of imprisonment at hard labor for not more than 40 years.

(Amends R.S. 14:30(A)(1) and (8) and 30.1(A)(2); Adds R.S. 14:2(B)(63), 30(A)(13) and (B)(5), 30.1(C), and 93.3.1)