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**SENATE FLOOR AMENDMENTS**

Amendments proposed by Senator Shepherd to Engrossed Senate Bill No. 33 by Senator Nevers

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1 AMENDMENT NO. 1

2 On page 1, line 2, after "amend and reenact" insert "R.S. 14:30 and"

3 AMENDMENT NO. 2

4 On page 1, line 6, after "severability;" insert "to provide relative to first degree murder"

5 AMENDMENT NO. 3

6 On page 6, between lines 2 and 3, insert the following:

7       "§30. First degree murder

8       A. First degree murder is the killing of a human being:

9       (1) When the offender has specific intent to kill or to inflict great bodily harm  
10 and is engaged in the perpetration or attempted perpetration of aggravated kidnapping,  
11 second degree kidnapping, aggravated escape, aggravated arson, aggravated rape,  
12 forcible rape, aggravated burglary, armed robbery, drive-by shooting, first degree  
13 robbery, simple robbery, or terrorism.

14       (2) When the offender has a specific intent to kill or to inflict great bodily harm  
15 upon a fireman, peace officer, or civilian employee of the Louisiana State Police  
16 Crime Laboratory or any other forensic laboratory engaged in the performance of his  
17 lawful duties, or when the specific intent to kill or to inflict great bodily harm is  
18 directly related to the victim's status as a fireman, peace officer, or civilian employee.

19       (3) When the offender has a specific intent to kill or to inflict great bodily harm  
20 upon more than one person.

21       (4) When the offender has specific intent to kill or inflict great bodily harm and  
22 has offered, has been offered, has given, or has received anything of value for the  
23 killing.

24       (5) When the offender has the specific intent to kill or to inflict great bodily  
25 harm upon a victim who is under the age of ~~twelve~~ **sixteen** or sixty-five years of age  
26 or older.

27       (6) When the offender has the specific intent to kill or to inflict great bodily  
28 harm while engaged in the distribution, exchange, sale, or purchase, or any attempt  
29 thereof, of a controlled dangerous substance listed in Schedules I, II, III, IV, or V of  
30 the Uniform Controlled Dangerous Substances Law.

31       (7) When the offender has specific intent to kill or inflict great bodily harm and  
32 is engaged in the activities prohibited by R.S. 14:107.1(C)(1).

33       (8) When the offender has specific intent to kill or to inflict great bodily harm  
34 and there has been issued by a judge or magistrate any lawful order prohibiting  
35 contact between the offender and the victim in response to threats of physical violence  
36 or harm which was served on the offender and is in effect at the time of the homicide.

37       (9) When the offender has specific intent to kill or to inflict great bodily harm  
38 upon a victim who was a witness to a crime or was a member of the immediate family  
39 of a witness to a crime committed on a prior occasion and:

40       (a) The killing was committed for the purpose of preventing or influencing the  
41 victim's testimony in any criminal action or proceeding whether or not such action or  
42 proceeding had been commenced; or

43       (b) The killing was committed for the purpose of exacting retribution for the  
44 victim's prior testimony.

1           B.(1) For the purposes of Paragraph (A)(2) of this Section, the term "peace  
2 officer" means any peace officer, as defined in R.S. 40:2402, and includes any  
3 constable, marshal, deputy marshal, sheriff, deputy sheriff, local or state policeman,  
4 commissioned wildlife enforcement agent, federal law enforcement officer, jail or  
5 prison guard, parole officer, probation officer, judge, attorney general, assistant  
6 attorney general, attorney general's investigator, district attorney, assistant district  
7 attorney, or district attorney's investigator.

8           (2) For the purposes of Paragraph (A)(9) of this Section, the term "member of  
9 the immediate family" means a husband, wife, father, mother, daughter, son, brother,  
10 sister, stepparent, grandparent, stepchild, or grandchild.

11           (3) For the purposes of Paragraph (A)(9) of this Section, the term "witness"  
12 means any person who has testified or is expected to testify for the prosecution, or  
13 who, by reason of having relevant information, is subject to call or likely to be called  
14 as a witness for the prosecution, whether or not any action or proceeding has yet  
15 commenced.

16           C. Whoever commits the crime of first degree murder shall be punished by  
17 ~~death or~~ life imprisonment at hard labor without benefit of parole, probation, or  
18 suspension of sentence in accordance with the determination of the jury **except when**  
19 **the killing is of a human being as provided in Subsection (A)(3), (4) and (5), and**  
20 **in such cases the penalty shall be death or life imprisonment at hard labor**  
21 **without benefit of parole, probation or suspension of sentence.**"