

**SENATE COMMITTEE AMENDMENTS**

2023 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 112  
by Senator Abraham

1 AMENDMENT NO. 1

2 On page 1, delete lines 2 through 4 and insert the following:

3  
4 To amend and reenact R.S. 14:30.1 and Code of Criminal Procedure Article  
5 814(A)(1) through (4) and to enact R.S. 14:30.2, R.S. 15:827.2(E), and Code  
6 of Criminal Procedure Article 814(A)(72) and (73), relative to murder; to  
7 provide relative to elements of the offense of second degree murder; to  
8 provide for penalties; to create the crime of felony murder; to provide for  
9 responsive verdicts; to provide for tracking of persons imprisoned for second  
10 degree murder; and to provide

11 AMENDMENT NO. 2

12 On page 1, delete lines 9 through 17 and insert the following:

13 "§30.1. Second degree murder

14 A. Second degree murder is the killing of a human being **under any of the**  
15 **following circumstances:**

16 (1) When the offender has a specific intent to kill or to inflict great bodily  
17 harm; ~~or,~~

18 (2) ~~When the offender is engaged in the perpetration or attempted~~  
19 ~~perpetration of aggravated or first degree rape, forcible or second degree rape,~~  
20 ~~aggravated arson, aggravated burglary, aggravated kidnapping, second degree~~  
21 ~~kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first~~  
22 ~~degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second~~  
23 ~~degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to~~  
24 ~~inflict great bodily harm.~~

25 (3)(a) When the offender unlawfully distributes or dispenses a controlled  
26 dangerous substance listed in Schedules I through V of the Uniform Controlled  
27 Dangerous Substances Law, or any combination thereof, **except fentanyl or a**  
28 **mixture or substance containing a detectable amount of fentanyl or its**  
29 **analogues, or carfentanil or a mixture or substance containing a detectable**  
30 **amount of carfentanil or its analogues,** which is the direct cause of the death of the  
31 recipient who ingested or consumed the controlled dangerous substance.

32 (b) **Whoever commits the crime of second degree murder defined in**  
33 **Subparagraph (a) of this Paragraph shall be punished by life imprisonment at**  
34 **hard labor, at least twenty-five years of which shall be served without benefit**  
35 **of parole, probation, or suspension of sentence.**

36 (3)(a) **When the offender unlawfully distributes or dispenses fentanyl or**  
37 **a mixture or substance containing a detectable amount of fentanyl or its**  
38 **analogues, or carfentanil or a mixture or substance containing a detectable**  
39 **amount of carfentanil or its analogues, which is the direct cause of the death of**  
40 **the recipient who ingested or consumed the controlled dangerous substance.**

41 (b) **Whoever commits the crime of second degree murder defined in**  
42 **Subparagraph (a) of this Paragraph shall be punished by life imprisonment at**  
43 **hard labor without benefit of parole, probation, or suspension of sentence.**

44 (4)(a) When the offender unlawfully distributes or dispenses a controlled  
45 dangerous substance listed in Schedules I through V of the Uniform Controlled  
46 Dangerous Substances Law, or any combination thereof, **except fentanyl or a**  
47 **mixture or substance containing a detectable amount of fentanyl or its**  
48 **analogues, or carfentanil or a mixture or substance containing a detectable**  
49 **amount of carfentanil or its analogues,** to another who subsequently distributes or  
50 dispenses such controlled dangerous substance which is the direct cause of the death  
51 of the person who ingested or consumed the controlled dangerous substance.

1 (b) Whoever commits the crime of second degree murder defined in  
2 Subparagraph (a) of this Paragraph shall be punished by life imprisonment at  
3 hard labor, at least twenty-five years of which shall be served without benefit  
4 of parole, probation, or suspension of sentence.

5 (5)(a) When the offender unlawfully distributes or dispenses fentanyl or  
6 a mixture or substance containing a detectable amount of fentanyl or its  
7 analogues, or carfentanil or a mixture or substance containing a detectable  
8 amount of carfentanil or its analogues, to another who subsequently distributes  
9 or dispenses such controlled dangerous substance which is the direct cause of  
10 the death of the person who ingested or consumed the controlled dangerous  
11 substance.

12 (b) Whoever commits the crime of second degree murder defined in  
13 Subparagraph (a) of this Paragraph shall be punished by life imprisonment at  
14 hard labor without benefit of parole, probation, or suspension of sentence.

15 B. Except as otherwise provided in this Section, whoever ~~Whoever~~  
16 commits the crime of second degree murder shall be punished by life imprisonment  
17 at hard labor without benefit of parole, probation, or suspension of sentence.

18 §30.2. Felony murder

19 Felony murder is the killing of a human being under either of the  
20 following circumstances:

21 (1)(a) When the offender is engaged in the perpetration or attempted  
22 perpetration of aggravated or first degree rape or forcible or second degree  
23 rape, even though he has no intent to kill or to inflict great bodily harm.

24 (b) Whoever commits the crime of second degree murder defined in  
25 Subparagraph (a) of this Paragraph shall be punished by life imprisonment at  
26 hard labor without benefit of parole, probation, or suspension of sentence.

27 (2)(a)When the offender is engaged in the perpetration or attempted  
28 perpetration of aggravated arson, aggravated burglary, aggravated kidnapping,  
29 second degree kidnapping, aggravated escape, assault by drive-by shooting,  
30 armed robbery, first degree robbery, second degree robbery, simple robbery,  
31 cruelty to juveniles, second degree cruelty to juveniles, or terrorism, even  
32 though he has no intent to kill or to inflict great bodily harm.

33 (b) Whoever commits the crime of second degree murder defined in  
34 Subparagraph (a)of this Paragraph shall be punished by life imprisonment at  
35 hard labor at least twenty-five years of which shall be served without benefit of  
36 parole, probation, or suspension of sentence."

37 AMENDMENT NO. 3

38 Delete pages 2 and 3

39 AMENDMENT NO. 4

40 On page 4, delete lines 1 through 3

41 AMENDMENT NO. 5

42 On page 4, line 8, delete "publically" and insert "publicly"

43 AMENDMENT NO. 6

44 On page 4, delete line 13 and insert the following:

45 "Section 3. Code of Criminal Procedure Article 814(A)(1) through (4) are hereby  
46 amended and reenacted and Code of Criminal Procedure Article 814(A)(72) and (73) are  
47 hereby enacted to read as follows:

48 Art. 814. Responsive verdicts; in particular

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

3 1. First Degree Murder:

4 Guilty.

5 Guilty of second degree murder.

6 **Guilty of felony murder**

7 Guilty of manslaughter.

8 Not guilty.

9 2. Attempted First Degree Murder:

10 Guilty.

11 Guilty of attempted second degree murder.

12 **Guilty of attempted felony murder**

13 Guilty of attempted manslaughter.

14 Guilty of aggravated battery.

15 Guilty of aggravated assault with a firearm.

16 Not guilty.

17 3. Second Degree Murder:

18 Guilty.

19 **Guilty of felony murder**

20 Guilty of manslaughter.

21 Guilty of negligent homicide.

22 Not guilty.

23 4. Attempted Second Degree Murder:

24 Guilty.

25 **Guilty of attempted felony murder**

26 Guilty of attempted manslaughter.

27 Guilty of aggravated battery.

28 Guilty of aggravated assault with a firearm.

29 Not guilty.

30 \* \* \*

31 **72.Felony Murder:**

32 **Guilty.**

33 **Guilty of manslaughter.**

34 **Guilty of negligent homicide.**

35 **Not guilty.**

36 **73. Attempted Felony Murder**

37 **Guilty.**

38 **Guilty of attempted manslaughter.**

39 **Guilty of aggravated battery.**

40 **Guilty of aggravated assault with a firearm.**

41 **Not guilty.**

42 \* \* \*

43 Section 4. The provisions of this Act shall be given prospective application only."

44 AMENDMENT NO. 7

45 On page 4, line 14, change "Section 4." to "Section 5."