

Regular Session, 2012

SENATE BILL NO. 3

BY SENATOR MORRELL

CRIME/PUNISHMENT. Adds to the crime of second degree murder the killing of a human being when the offender is engaged in selling certain illegal drugs. (gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:30.1(A)(2), relative to second degree murder; to add to the
3 list of aggravating circumstances under which the killing of a human being
4 constitutes second degree murder; to provide that second degree murder includes the
5 killing of a human being when the offender is engaged in the selling of certain illegal
6 drugs; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:30.1(A)(2) is hereby amended and reenacted to read as follows:

9 §30.1. Second degree murder

10 A. Second degree murder is the killing of a human being:

11 * * *

12 (2) When the offender is engaged in the perpetration or attempted
13 perpetration of aggravated rape, forcible rape, aggravated arson, aggravated burglary,
14 aggravated kidnapping, second degree kidnapping, aggravated escape, assault by
15 drive-by shooting, armed robbery, first degree robbery, second degree robbery,
16 simple robbery, cruelty to juveniles, second degree cruelty to juveniles, ~~or~~ terrorism,
17 or the unlawful sale, distribution, or dispensation of heroin, methamphetamine,

1 **or "crack" cocaine**, even though he has no intent to kill or to inflict great bodily
2 harm.

3 * * *

4 Section 2. This Act shall become effective upon signature by the governor or, if not
5 signed by the governor, upon expiration of the time for bills to become law without signature
6 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
7 vetoed by the governor and subsequently approved by the legislature, this Act shall become
8 effective on the day following such approval.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Alden A. Clement, Jr.

DIGEST

Present law defines second degree murder as the killing of a human being:

1. When the offender has a specific intent to kill or to inflict great bodily harm.
2. When the offender is engaged in the perpetration or attempted perpetration of aggravated rape, forcible rape, 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.
3. When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in present law (Schedules I through V of the Uniform Controlled Dangerous Substances Law), or any combination thereof, that is the direct cause of the death of the recipient who ingested or consumed the controlled dangerous substance.
4. When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in present law (Schedules I through V of the Uniform Controlled Dangerous Substances Law), or any combination thereof, to another who subsequently distributes or dispenses such controlled dangerous substance that is the direct cause of the death of the person who ingested or consumed the controlled dangerous substance.

Proposed law retains present law, and adds that second degree murder also includes the killing of a human being when the offender is engaged in the unlawful sale, distribution, or dispensation of heroin, methamphetamine, or "crack" cocaine, even though the offender has no intent to kill or to inflict great bodily harm.

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

(Amends R.S. 14:30.1(A)(2))