

2018 Regular Session

SENATE BILL NO. 51

BY SENATOR MORRELL

CRIMINAL JUSTICE. Eliminates the death penalty. (8/1/18)

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AN ACT

To amend and reenact R.S. 14:30(C), 42(D), and 113(C), relative to offenses punishable by death; to eliminate the death penalty as punishment for the crimes of first degree murder, first degree rape, and treason; to provide for the penalty of life imprisonment for the crime of treason; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:30(C), 42(D), and 113(C) are hereby amended and reenacted to read as follows:

§30. First degree murder

* * *

C.(1) If **Except as provided in Paragraph (2) of this Subsection, if** the district attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, in accordance with the determination of the jury. The provisions of Code of Criminal Procedure Article 782 relative to cases in which punishment may be capital shall apply.

(2) If the district attorney does not seek a capital verdict **or if the offense was**

1 **committed on or after August 1, 2018**, the offender shall be punished by life
 2 imprisonment at hard labor without benefit of parole, probation or suspension of
 3 sentence. The provisions of Code of Criminal Procedure Article 782 relative to cases
 4 in which punishment is necessarily confinement at hard labor shall apply.

* * *

6 §42. First degree rape

* * *

8 D.(1) Whoever commits the crime of first degree rape shall be punished by
 9 life imprisonment at hard labor without benefit of parole, probation, or suspension
 10 of sentence.

11 ~~(2) However, if the victim was under the age of thirteen years, as provided~~
 12 ~~by Paragraph (A)(4) of this Section:~~

13 ~~(a) And if the district attorney seeks a capital verdict, the offender shall be~~
 14 ~~punished by death or life imprisonment at hard labor without benefit of parole,~~
 15 ~~probation, or suspension of sentence, in accordance with the determination of the~~
 16 ~~jury. The provisions of Code of Criminal Procedure Art. 782 relative to cases in~~
 17 ~~which punishment may be capital shall apply.~~

18 ~~(b) And if the district attorney does not seek a capital verdict, the offender~~
 19 ~~shall be punished by life imprisonment at hard labor without benefit of parole,~~
 20 ~~probation, or suspension of sentence. The provisions of Code of Criminal Procedure~~
 21 ~~Art. 782 relative to cases in which punishment is necessarily confinement at hard~~
 22 ~~labor shall apply.~~

* * *

24 §113. Treason

* * *

26 C.(1) ~~Whoever~~ **Except as provided in Paragraph (2) of this Subsection,**
 27 **whoever** commits the crime of treason shall be punished by death.

28 **(2) If the offense was committed on or after August 1, 2018, the offender**
 29 **shall be sentenced to life imprisonment at hard labor without benefit of parole,**

1 **probation, or suspension of sentence.**

2 Section 2. The provisions of this Act shall apply only to offenses committed on or
3 after August 1, 2018.

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

DIGEST

SB 51 Engrossed

2018 Regular Session

Morrell

Present law provides that any person convicted of the crime of first degree murder is to be punished by either death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Present law provides that any person convicted of the crime of first degree rape is to be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. However, present law provides that if the victim of the first degree rape was under the age of 13 years, the district attorney may seek the death penalty.

Present law provides that any person convicted of the crime of treason is to be punished by death.

Proposed law eliminates the death penalty as a mandatory punishment for treason or a possible punishment for the crimes of first degree murder and first degree rape. Proposed law further provides for life imprisonment without benefit of parole, probation, or suspension of sentence for the crime of treason. Proposed law further provides that the elimination of the death penalty as provided for by proposed law relative to first degree murder and treason applies only to offenses committed on or after 8/1/18. For offenses committed prior to 8/1/18, proposed law retains present law.

Effective August 1, 2018.

(Amends R.S. 14:30(C), 42(D), and 113(C))