

2018 Regular Session

HOUSE BILL NO. 252

BY REPRESENTATIVE CONNICK

CRIMINAL/TRIALS: Provides for venue for the prosecution of certain crimes

1 AN ACT

2 To amend and reenact Code of Criminal Procedure Article 611(B) and to enact Code of
3 Criminal Procedure Article 611(D), relative to venue for the prosecution of certain
4 crimes; to provide for venue for the prosecution of crimes involving the death of a
5 human being and for the crimes of obstruction of justice and accessory after the fact;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Criminal Procedure Article 611(B) is hereby amended and
9 reenacted and Code of Criminal Procedure Article 611(D) is hereby enacted to read as
10 follows:

11 Art. 611. Venue; trial where offense committed

12 * * *

13 B. If the offender is charged with ~~the crime of first or second degree murder~~
14 any criminal homicide enumerated in R.S. 14:29 or any other crime involving the
15 death of a human being and it cannot be determined where the offense or the
16 elements of the offense occurred, the offense is deemed to have been committed in
17 the parish where the body of the victim was found.

18 * * *

19 D.(1) If the offender is charged with the crime of accessory after the fact, the
20 offense is deemed to have been committed either in the parish where the principal

1 felony was committed or in the parish where any act or element constituting the basis
2 for the accessory after the fact prosecution occurred.

3 (2) If the offender is charged with the crime of obstruction of justice, the
4 offense is deemed to have been committed either in the parish of the underlying
5 actual or potential present, past, or future criminal proceeding or investigation or in
6 the parish where any act or element constituting the basis for the obstruction of
7 justice prosecution occurred.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 252 Engrossed

2018 Regular Session

Connick

Abstract: Provides that venue for the prosecution of all crimes involving the death of a human being shall be in the parish where the body of the victim was found if it cannot be determined where the offense occurred, and provides for venue for the prosecution for the crimes of accessory after the fact and obstruction of justice.

Present law provides that if the offender is charged with the crime of first or second degree murder and it cannot be determined where the offense occurred, the offense is deemed to have been committed in the parish where the body of the victim was found.

Proposed law expands the application of present law to all crimes involving the death of a human being.

Proposed law provides that if the offender is charged with the crime of accessory after the fact, the offense is deemed to have been committed either in the parish where the principal felony was committed or in the parish where any act or element constituting the basis for the accessory after the fact prosecution occurred.

Proposed law provides that if the offender is charged with the crime of obstruction of justice, the offense is deemed to have been committed either in the parish of the underlying criminal proceeding or investigation or in the parish where any act or element constituting the basis for the obstruction of justice prosecution occurred.

(Amends C.Cr.P. Art. 611(B); Adds C.Cr.P. Art. 611(D))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Specify that venue for the crime of accessory after the fact, when based upon the location of any act or element constituting the basis for the offense occurred, shall be in the parish where such act or element occurred.