
DIGEST

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HB 38 Original

2020 Regular Session

Green

Abstract: Eliminates the death penalty and provides that persons previously sentenced to death shall be resentenced, upon motion of any party, to a term of life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Present law (R.S. 14:30) provides that any person convicted of the crime of first degree murder shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Present law (R.S. 14:42) provides that any person convicted of the crime of first degree rape shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence. However, if the victim of the first degree rape was under the age of 13 years, the district attorney may seek the death penalty. Although this provision which allowed for the offender to be sentenced to death for first degree rape was declared to be unconstitutional by the U.S. Supreme Court in the case *Kennedy v. Louisiana*, 128 S.Ct. 2641 (June 25, 2008), this provision was never repealed from present law.

Present law (R.S. 14:113) provides that any person convicted of the crime of treason shall be punished by death.

Proposed law eliminates the death penalty as a possible punishment for the crimes of first degree murder, first degree rape, and treason. Further provides for the penalty of life imprisonment without benefit of parole, probation, or suspension of sentence for these offenses.

Proposed law provides that the elimination of the death penalty as provided in proposed law shall be applied retroactively and prospectively to offenses committed prior to and on or after Aug. 1, 2020. Further provides that upon motion of the sentencing court or any party, persons previously sentenced to death shall be resentenced to life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

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