

RÉSUMÉ DIGEST

ACT 349 (SB 139)

2021 Regular Session

Harris

Prior law provided that if a motion was filed by the state in compliance with C.Cr.P. Article 893.1, a determination shall be made as to whether a firearm was discharged, or used during the commission of the felony or specifically enumerated misdemeanor, or actually possessed during the commission of a felony which is a crime of violence as defined by R.S. 14:2(B).

Prior law further provided that such determination is a specific finding of fact to be submitted to the jury and proven by the state beyond a reasonable doubt.

New law retains prior law and adds the crimes of simple burglary, simple burglary of an inhabited dwelling, and unauthorized entry of an inhabited dwelling for the determination if a firearm was discharged, used, or possessed during the commission of such crimes.

Effective August 1, 2021.

(Amends C.Cr.P. Art. 893.2)