

RÉSUMÉ DIGEST

ACT 120 (HB 102)

2026 Regular Session

Wiley

New law creates the crime of second degree cruelty to the elderly and persons with infirmities and provides for elements, definitions, exceptions, and penalties.

New law provides an affirmative defense to a caregiver who provided treatment in accordance with a well-recognized spiritual method of healing in lieu of medical treatment.

New law provides for a penalty of imprisonment at hard labor for not more than 40 years.

Existing law (R.S. 14:2(B)) provides for a list of offenses that are designated as crimes of violence.

New law adds the new law offense of second degree cruelty to the elderly and persons with infirmities to the list of offenses in existing law.

Existing law (R.S. 14:30 and 30.1) provides for the offenses of first and second degree murder.

New law adds the new law offense of second degree cruelty to the elderly and persons with infirmities as a predicate felony to these existing law offenses.

New law provides that the following circumstances constitute first degree murder when the offender has specific intent to kill or to inflict great bodily harm:

- (1) When the offender, while released on bail, on probation, or under parole supervision, commits first degree murder in violation of a specific restriction or condition imposed by the court, the committee on parole, or by law.
- (2) When a firearm is used in the commission of first degree murder and the offender was prohibited by law from possessing a firearm at the time of the offense.
- (3) When the victim is in a public place and the offender knowingly creates a risk of death or great bodily harm to three or more persons.

New law requires a rebuttable presumption, for the purposes of first or second degree murder, that the act of pointing and discharging a firearm at another human being constitutes specific intent to kill or to inflict great bodily harm upon that person.

Effective August 1, 2026.

(Amends R.S. 14:30(A)(1) and (8) and 30.1(A)(2); Adds R.S. 14:2(B)(63), 30(A)(13) and (B)(5), 30.1(C), and 93.3.1)