SLS 22RS-572 ORIGINAL

2022 Regular Session

1

SENATE BILL NO. 294

BY SENATOR JACKSON

CRIME/PUNISHMENT. Eliminates the death penalty for offenses committed on or after August 1, 2022, and allocates savings generated to Early Childhood Education Fund literacy programs. (8/1/22)

AN ACT

2	To amend and reenact R.S. 14:30(C), 42(D), and 113(C) and to enact R.S. 15:827.3(C),
3	relative to offenses punishable by death; to eliminate the death penalty as
4	punishment for the crimes of first degree murder, first degree rape, and treason; to
5	provide for the penalty of life imprisonment without benefit of parole, probation, or
6	suspension of sentence for the crime of treason; to provide for prospective
7	application; to provide that savings realized from the elimination of the death penalty
8	be allocated to Early Childhood Education Fund literacy programs; and to provide
9	for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 14:30(C), 42(D), and 113(C) are hereby amended and reenacted to
12	read as follows:
13	§30. First degree murder
14	* * *
15	C.(1) If Except as provided in Paragraph (2) of this Subsection, if the
16	district attorney seeks a capital verdict, the offender shall be punished by death or
17	life imprisonment at hard labor without benefit of parole, probation, or suspension

1	of sentence, in accordance with the determination of the jury. The provisions of Code
2	of Criminal Procedure Article 782 relative to cases in which punishment may be
3	capital shall apply.
4	(2) If the district attorney does not seek a capital verdict or if the offense
5	was committed on or after August 1, 2022, the offender shall be punished by life
6	imprisonment at hard labor without benefit of parole, probation, or suspension of
7	sentence. The provisions of Code of Criminal Procedure Article 782 relative to cases
8	in which punishment is necessarily confinement at hard labor shall apply.
9	* * *
10	§42. First degree rape
11	* * *
12	D.(1) Whoever commits the crime of first degree rape shall be punished by
13	life imprisonment at hard labor without benefit of parole, probation, or suspension
14	of sentence.
15	(2) However, if the victim was under the age of thirteen years, as provided
16	by Paragraph (A)(4) of this Section:
17	(a) And if the district attorney seeks a capital verdict, the offender shall be
18	punished by death or life imprisonment at hard labor without benefit of parole,
19	probation, or suspension of sentence, in accordance with the determination of the
20	jury. The provisions of Code of Criminal Procedure Art. 782 relative to cases in
21	which punishment may be capital shall apply.
22	(b) And if the district attorney does not seek a capital verdict, the offender
23	shall be punished by life imprisonment at hard labor without benefit of parole,
24	probation, or suspension of sentence. The provisions of Code of Criminal Procedure
25	Art. 782 relative to cases in which punishment is necessarily confinement at hard
26	labor shall apply.
27	* * *
28	§113. Treason
29	* * *

1	C.(1) Whoever Except as provided in Paragraph (2) of this Subsection,
2	whoever commits the crime of treason shall be punished by death.
3	(2) If the offense was committed on or after August 1, 2022, the offender
4	shall be sentenced to life imprisonment at hard labor without benefit of parole,
5	probation, or suspension of sentence.
6	Section 2. The provisions of Section 1 of this Act shall apply only to offenses
7	committed on or after August 1, 2022.
8	Section 3. R.S. 15:827.3(C) is hereby enacted to read as follows:
9	§827.3. Savings attributable to criminal justice reforms
10	* * *
11	C. At the end of each fiscal year, the Department of Public Safety and
12	Corrections, Louisiana District Attorneys Association, and the Louisiana Public
13	Defender Board shall provide to the commissioner of administration and to the
14	Joint Legislative Committee on the Budget a statement of calculated annual
15	savings realized as a result of the elimination of the death penalty. The savings
16	shall be deemed a bona fide obligation of the state and shall be allocated by the
17	state to the Early Childhood Education Fund as provided for by R.S. 17:407.30,
18	for the purpose of providing grant funding to child day care centers for literacy
19	funding for two and three year olds. The Department of Education shall
20	promulgate rules and regulations for the administration of this grant.
	The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST
SB 294 Original 2022 Regular Session

Jackson

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

<u>Present law</u> 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, except that 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 unconstitutional by the U.S. Supreme Court in *Kennedy v. Louisiana*, 128 S.Ct. 2641 (2008), this provision was never repealed from <u>present law</u>.)

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Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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

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

<u>Proposed law</u> provides that the elimination of the death penalty as provided in <u>proposed law</u> applies only to offenses committed on or after 8/1/22. For offenses committed prior to 8/1/22, <u>proposed law</u> retains <u>present law</u>.

<u>Proposed law</u> requires the La. District Attorneys Association, the Dept. of Public Safety and Corrections, and the La. Public Defender Board to provide a statement of calculated annual savings realized as a result of the elimination of the death penalty to the commissioner of administration and the Joint Legislative Committee on the Budget. <u>Proposed law</u> further provides that these savings are to be allocated to the Early Childhood Education Fund for grant funding of child day care literacy programs.

Effective August 1, 2022.

(Amends R.S. 14:30(C), 42(D), and 113(C); adds R.S. 15:827.3(C))