SENATE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by Senate Committee on Judiciary C to Original Senate Bill No. 107 by Senator Smith

1 AMENDMENT NO. 1

- 2 On page 1, line 2, after "14:30(A) and" delete the remainder of the line, delete line 3, and
- 3 insert "(C), relative to murder; to"
- 4 AMENDMENT NO. 2
- 5 On page 1, line 4, after "first" delete "and second"
- 6 AMENDMENT NO. 3
- 7 On page 1, line 7, after "14:30(A) and" delete the remainder of the line, delete line 8, and
- 8 insert "(C) are"

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9 AMENDMENT NO. 4

- On page 1, delete lines 10 through 17, delete pages 2 through 5, and on page 6, delete lines 1 through 11, and insert the following:
- 12 "§30. First degree murder
 - A. First degree murder is the killing of a human being:
 - (1) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in the perpetration or attempted perpetration of aggravated kidnapping, second degree kidnapping, aggravated escape, aggravated arson, aggravated or first degree rape, forcible or second degree rape, aggravated burglary, armed robbery, assault by drive-by shooting, first degree robbery, second degree robbery, terrorism, or cruelty to juveniles, or second degree cruelty to juveniles.
 - (2) When the offender has a specific intent to kill or to inflict great bodily harm upon a fireman, peace officer, **correctional officer**, or civilian employee of the Louisiana State Police Crime Laboratory or any other forensic laboratory engaged in the performance of his lawful duties, or when the specific intent to kill or to inflict great bodily harm is directly related to the victim's status as a fireman, peace officer, **correctional officer**, or civilian employee.
 - (3) When the offender has a specific intent to kill or to inflict great bodily harm upon more than one person, whether in a single criminal episode, multiple criminal episodes, or a series of criminal episodes.
 - (4) When the offender has specific intent to kill or inflict great bodily harm and has offered, has been offered, has given, or has received anything of value for the killing.
 - (5) When the offender has the specific intent to kill or to inflict great bodily harm upon a victim who is under the age of twelve or sixty-five years of age or older.
 - (6) When the offender has the specific intent to kill or to inflict great bodily harm while engaged in the distribution, exchange, sale, or purchase, or any attempt thereof, of a controlled dangerous substance listed in Schedules I, II, III, IV, or V of the Uniform Controlled Dangerous Substances Law.
 - (7) When the offender has specific intent to kill or to inflict great bodily harm and is engaged in the activities prohibited by R.S. 14:107.1(C)(1).
 - (8) (5) When the offender has specific intent to kill or to inflict great bodily harm and there has been issued by a judge or magistrate any lawful order prohibiting contact between the offender and the victim in response to threats of physical violence or harm which was served on the offender and is in effect at the time of the homicide.

- (9) (6) When the offender has specific intent to kill or to inflict great bodily harm upon a victim who was a witness to a crime or was a member of the immediate family of a witness to a crime committed on a prior occasion and:
- (a) The killing was committed for the purpose of preventing or influencing the victim's testimony in any criminal action or proceeding whether or not such action or proceeding had been commenced; or
- (b) The killing was committed for the purpose of exacting retribution for the victim's prior testimony.
- (10) When the offender has a specific intent to kill or to inflict great bodily harm upon a taxicab driver who is in the course and scope of his employment. For purposes of this Paragraph, "taxicab" means a motor vehicle for hire, carrying six passengers or less, including the driver thereof, that is subject to call from a garage, office, taxi stand, or otherwise.
- (11) When the offender has a specific intent to kill or inflict great bodily harm and the offender has previously acted with a specific intent to kill or inflict great bodily harm that resulted in the killing of one or more persons.
- (12) When the offender has a specific intent to kill or to inflict great bodily harm upon a correctional facility employee who is in the course and scope of his employment.

* * *

- C. (1) If the district attorney seeks a capital verdict, the offender shall be punished by death or life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence, in accordance with the determination of the jury. The provisions of Code of Criminal Procedure Article 782 relative to cases in which punishment may be capital shall apply.
- (2) If the district attorney does not seek a capital verdict, the offender shall be punished by life imprisonment at hard labor without benefit of parole, probation or suspension of sentence. The provisions of Code of Criminal Procedure Article 782 relative to cases in which punishment is necessarily confinement at hard labor shall apply."