SLS 23RS-1445 ORIGINAL

2023 Regular Session

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SENATE CONCURRENT RESOLUTION NO. 45

BY SENATOR ABRAHAM

CRIME/PUNISHMENT. Creates the Task Force on Sentencing for Second Degree Murder to determine the best changes to sentencing for second degree murder.

A CONCURRENT RESOLUTION

2 To create and provide for the Task Force on Sentencing for Second Degree Murder. WHEREAS, prisoners serving a life sentence make up the largest population of 3 prisoners in Louisiana state prisons; and 4 5 WHEREAS, Louisiana is one of the few remaining states that requires a life sentence 6 for second degree murder; and 7 WHEREAS, some observers have noted that a sentence of life without the possibility 8 of parole for second degree murder committed with the specific intent to kill or inflict great 9 bodily harm and for second degree murder when the death occurs in the course of a felony, 10 but without the intent to kill or inflict harm, raises issues of due process and fundamental 11 fairness. THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby 12 13 establish and provide for the Task Force on Sentencing for Second Degree Murder, to study 14 potential sentencing changes to second degree murder and to propose recommendations, together with specific proposals for legislation, if the task force deems it necessary or 15 16 appropriate, by written report to the legislature and to the David R. Poynter Legislative 17 Research Library as required by R.S. 24:771 and 772, no later than February 1, 2024. BE IT FURTHER RESOLVED that the task force shall consist of the following 18

1 members:

| (1) A senator from | n the | Senate | Comn | nittee on | ı Judı | ciary | C, ar | opointe | d by the | e chairm | ıan. |
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- (2) A representative from the House of Representatives Committee on Administration of Criminal Justice, appointed by the chairman.
 - (3) A district judge, appointed by the Louisiana District Judges Association.
- (4) The executive director of the Louisiana District Attorneys Association, or his designee.
- (5) A public defender who has tried second degree murder cases, appointed by the state public defender.
- (6) A representative of the Department of Public Safety and Corrections, office of adult services, designated by the secretary.
 - (7) A member of the Louisiana Parole Project, appointed by the executive director.
- (8) A professor from the Louisiana State University Paul M. Hebert Law Center, appointed by the dean.
 - (9) A professor from the Southern University Law Center, appointed by the dean.

BE IT FURTHER RESOLVED that each designating authority shall submit the names of designees to the task force to the chairman of the Senate Committee on Judiciary C no later than July 1, 2023.

BE IT FURTHER RESOLVED that the task force shall convene for its first meeting no later than September 1, 2023, at the call of the chairman of the Senate Committee on Judiciary C, and at the first meeting the members shall elect a chairman and other officers as the task force may deem appropriate.

BE IT FURTHER RESOLVED that the task force shall receive staff support from one or more of the entities from which the task force membership is designated or appointed, at the discretion of the task force.

BE IT FURTHER RESOLVED that a majority of the task force shall constitute a quorum for the transaction of business and all official actions of the task force shall require the affirmative vote of a majority of the members.

BE IT FURTHER RESOLVED that the members of the task force shall serve without compensation except per diem or expenses reimbursement to which they may be

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individually entitled as members of their constituent organizations.

BE IT FURTHER RESOLVED that the task force shall terminate on the date of the submission of its report, if any, or on February 1, 2024, whichever occurs first.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Louisiana District Judges Association, the Louisiana District Attorneys Association, the state public defender, the Department of Public Safety and Corrections, the Louisiana Parole Project, Louisiana State University Paul M. Hebert Law Center, and the Southern University Law Center.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

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Abraham

Creates the Task Force on Sentencing for Second Degree Murder to study potential changes to the sentencing laws for the crime of second degree murder, and to propose recommendations, together with specific proposals for legislation, if the task force deems it necessary or appropriate.

Provides that the task force consists of the following members:

- (1) A senator from the Senate Committee on Judiciary C, appointed by the chairman.
- (2) A representative from the House of Representatives Committee on Administration of Criminal Justice, appointed by the chairman.
- (3) A district judge, appointed by the La. District Judges Association.
- (4) The executive director of the La. District Attorneys Association, or his designee.
- (5) A public defender who has tried second degree murder cases, appointed by the state public defender.
- (6) A representative of the Dept. of Public Safety and Corrections, office of adult services, designated by the secretary.
- (7) A member of the La. Parole Project, appointed by the executive director.
- (8) A professor from the Louisiana State University Paul M. Hebert Law Center, appointed by the dean.
- (9) A professor from the Southern University Law Center, appointed by the dean.

Provides relative to meetings of the task force, quorum, and voting.

Provides that the task force may make a written report of its findings and recommendations by February 1, 2024.