



1 kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first  
2 degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second  
3 degree cruelty to juveniles, or terrorism, ~~even though he has no intent to kill or to~~  
4 ~~inflict great bodily harm.~~

5 (3) When the offender unlawfully distributes or dispenses a ~~controlled~~  
6 ~~dangerous substance listed in Schedules I through V of the Uniform Controlled~~  
7 ~~Dangerous Substances Law, or any combination thereof, fentanyl or a mixture or~~  
8 ~~substance containing a detectable amount of fentanyl or its analogues, or carfentanil~~  
9 ~~or a mixture or substance containing a detectable amount of carfentanil or its~~  
10 ~~analogues,~~ which is the direct cause of the death of the recipient who ingested or  
11 consumed the controlled dangerous substance.

12 (4) When the offender unlawfully distributes or dispenses a ~~controlled~~  
13 ~~dangerous substance listed in Schedules I through V of the Uniform Controlled~~  
14 ~~Dangerous Substances Law, or any combination thereof, fentanyl or a mixture or~~  
15 ~~substance containing a detectable amount of fentanyl or its analogues, or carfentanil~~  
16 ~~or a mixture or substance containing a detectable amount of carfentanil or its~~  
17 ~~analogues~~ to another who subsequently distributes or dispenses such controlled  
18 dangerous substance which is the direct cause of the death of the person who  
19 ingested or consumed the controlled dangerous substance.

20 B.(1) Whoever commits the crime of second degree murder as provided in  
21 Paragraph (A)(1) shall be punished by the minimum sentence of life imprisonment  
22 at hard labor with the first twenty-five years without benefit of parole, probation or  
23 suspension of sentence and a maximum sentence of life imprisonment at hard labor  
24 without benefit of parole, probation, or suspension of sentence.

25 (2) Whoever commits the crime of second degree murder as provided in  
26 Paragraph (A)(2) shall be punished by a sentence of life imprisonment at hard labor  
27 with the first twenty-five years without benefit of parole, probation, or suspension  
28 of sentence.

1 §31. Manslaughter

2 A. Manslaughter is:

3 \* \* \*

4 (4) When the offender unlawfully distributes or dispenses a controlled  
5 dangerous substance listed in Schedules I through V of the Uniform Controlled  
6 Dangerous Substances Law, or any combination thereof, except for fentanyl or a  
7 mixture or substance containing a detectable amount of fentanyl or its analogues, or  
8 carfentanil or a mixture or substance containing a detectable amount of carfentanil  
9 or its analogues, which is the direct cause of the death of the recipient who ingested  
10 or consumed the controlled dangerous substance.

11 \* \* \*

12 Section 2. R.S. 15:827.2(E) is hereby enacted to read as follows:

13 §827.2. Data collection and reporting requirements

14 \* \* \*

15 E. The department shall compile and make publically available a list of all  
16 people within its custody imprisoned under R.S. 14:30.1 by September 1, 2021. The  
17 list shall include the date imprisonment began, the Department of Public Safety and  
18 Corrections identification number, and the parish in which the person was convicted.  
19 The department shall compile and make available to the public the list quarterly until  
20 September 1, 2022, and then annually thereafter.

21 Section 3. The provisions of this Act shall be given prospective application only.

22 Section 4. This Act shall become effective on September 1, 2021.

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**DIGEST**

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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HB 158 Engrossed

2021 Regular Session

Jones

**Abstract:** Amends elements of second degree murder and elements of manslaughter, and requires the Dept. of Public Safety and Corrections to compile a list to be made public of all people in its custody imprisoned under second degree murder by Sept. 1, 2021.

Present law provides that second degree murder is the killing of a human being:

- (1) When the offender has a specific intent to kill or to inflict great bodily harm.
- (2) When the offender is engaged in the perpetration or attempted perpetration of aggravated or first degree rape, forcible or second degree rape, aggravated arson, aggravated burglary, aggravated kidnapping, second degree kidnapping, aggravated escape, assault by drive-by shooting, armed robbery, first degree robbery, second degree robbery, simple robbery, cruelty to juveniles, second degree cruelty to juveniles, or terrorism, even though he has no intent to kill or to inflict great bodily harm.
- (3) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law, or any combination thereof, which is the direct cause of the death of the recipient who ingested or consumed the controlled dangerous substance.
- (4) When the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law, or any combination thereof, to another who subsequently distributes or dispenses such controlled dangerous substance which is the direct cause of the death of the person who ingested or consumed the controlled dangerous substance.

Present law further provides that whoever commits the crime of second degree murder shall be punished by life imprisonment at hard labor without benefit of parole, probation, or suspension of sentence.

Proposed law specifies that second degree murder occurs when the offender unlawfully distributes or dispenses fentanyl or carfentanil or a mixture or substance containing a detectable amount of either or of its analogues.

Present law provides relative to the crime of manslaughter and provides for penalties.

Proposed law retains present law and further specifies that manslaughter occurs when the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law or any combination thereof, except for fentanyl or carfentanil.

Proposed law requires the Dept. of Public Safety and Corrections to compile a list to be made available to the public of all people in its custody imprisoned under second degree murder by Sept. 1, 2021.

Proposed law further requires that the list shall include the date imprisonment began, the Dept. of Public Safety and Corrections identification number, and the parish in which that person was convicted.

Proposed law further requires that the list be made quarterly until Sept. 1, 2022, and then annually after.

Specifies that proposed law shall have prospective application only.

Effective Sept. 1, 2021.

(Amends R.S. 14:30.1; Adds R.S. 14:31(A)(4) and R.S. 15:827.2(E))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes to the citations.
2. Specify that second degree murder occurs when the offender unlawfully distributes or dispenses fentanyl or carfentanil or a mixture or substance containing a detectable amount of either or of its analogues.
3. Specify that manslaughter occurs when the offender unlawfully distributes or dispenses a controlled dangerous substance listed in Schedules I through V of the Uniform Controlled Dangerous Substances Law or any combination thereof, except for fentanyl or carfentanil.
4. Specify that proposed law has prospective application only.