

2015 Regular Session

SENATE BILL NO. 8

BY SENATOR LONG

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CRIME/PUNISHMENT. Provides relative to prosecutions for certain criminal offenses.
(gov sig)

1 AN ACT

2 To amend and reenact R.S. 14:29 and 33, relative to offenses against the person; to provide
3 relative to prosecutions of women who use illegal drugs while pregnant for certain
4 offenses against the person under certain circumstances; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:29 and 33 are hereby amended and reenacted to read as follows:

8 §29. Homicide

9 A. Homicide is the killing of a human being by the act, procurement, or
10 culpable omission of another. Criminal homicide is of five grades:

11 (1) First degree murder.

12 (2) Second degree murder.

13 (3) Manslaughter.

14 (4) Negligent homicide.

15 (5) Vehicular homicide.

16 **B. Nothing in this Title shall be construed to preclude the prosecution**

17 **under this Subpart of a woman who illegally uses while pregnant any substance**

offenses can be construed to preclude the prosecution for homicide of a woman who uses an illegal drug while pregnant if the child dies as a result of the use of the illegal drug.

Present law provides relative to the crime of battery and defines battery as the intentional use of force or violence upon the person of another, or the intentional administration of a poison or other noxious liquid or substance to another.

Proposed law retains present law and adds that nothing in present law relative to criminal offenses can be construed to preclude the prosecution for any grade of battery of a woman who uses an illegal drug while pregnant if the child is born addicted to, or otherwise harmed by, the illegal drug used while pregnant.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 14:29 and 33)