## SLS 22RS-447

## ORIGINAL

2022 Regular Session

SENATE BILL NO. 251

BY SENATOR BARROW

CRIME/PUNISHMENT. Provides for expert testimony for defendants seeking to show justification at the time of the crime. (8/1/22)

1	AN ACT
2	To enact Code of Evidence Art. 707 and R.S. 14:18(8), relative to expert testimony; to
3	provide for admissibility of expert testimony regarding victims of intimate partner
4	violence, domestic violence, or sexual violence under certain circumstances; to
5	provide for the defense of justification when the offender is a victim of intimate
6	partner violence, domestic violence, or sexual violence; and to provide for related
7	matters.
8	Be it enacted by the Legislature of Louisiana:
9	Section 2. Code of Evidence Art. 707 is hereby enacted to read as follows:
10	Art. 707. Expert testimony regarding victim of intimate partner violence,
11	domestic violence, or sexual violence
12	A witness who is qualified as an expert, pursuant to Code of Evidence
13	Article 702, may testify in the form of an opinion on whether a defendant is a
14	victim of intimate partner violence, domestic violence, or sexual violence, and
15	committed the unlawful acts as a direct result of being a victim.
16	Section 1. R.S. 14:18(8) is hereby enacted to read as follows:
17	§18. Justification; general provisions

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1	The fact that an offender's conduct is justifiable, although otherwise criminal,
2	shall constitute a defense to prosecution for any crime based on that conduct. This
3	defense of justification can be claimed under the following circumstances:
4	* * *
5	(8) When any crime is committed as a result of the offender being
6	coerced due to being a victim of intimate partner violence, domestic violence,
7	or sexual violence.

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

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Barrow

<u>Proposed law</u> provides that an expert may testify, after being qualified by the court under <u>present law</u>, in the form of an opinion on whether the defendant is a victim of intimate partner violence, domestic violence, or sexual violence and committed the offense at issue as a direct result of being a victim.

<u>Present law</u> provides that the fact that an offender's conduct is justifiable, although otherwise criminal, constitutes a defense to prosecution for any crime based on that conduct, and provides a list of specific justifications.

<u>Proposed law</u> retains <u>present law</u> and adds that justification exists for the commission of the offense as a result of the offender being coerced or under duress by a perpetrator of intimate partner violence, domestic violence, or sexual violence.

Effective August 1, 2022.

(Adds C.E. Art. 707 and R.S. 14:18(8))