

2023 Regular Session

SENATE RESOLUTION NO. 150

BY SENATOR BARROW

CRIMINAL PROCEDURE. Requests the Louisiana State Law Institute to study and make recommendations on the general provisions of justification and use of force or violence in defense as applied to abuse survivors.

1 A RESOLUTION

2 To urge and request the Louisiana State Law Institute to study and make recommendations
3 on the general provisions of justification and use of force or violence in defense as
4 applied to survivors of domestic violence, intimate partner violence, and sexual
5 violence.

6 WHEREAS, the Senate of the Legislature of Louisiana has committed to preventing
7 the wrongful conviction of survivors of domestic violence, intimate partner violence, and
8 sexual violence; and

9 WHEREAS, society and the legal system have historically lagged in understanding
10 the dynamics of domestic violence; and

11 WHEREAS, the Louisiana Supreme Court, in *State v. Curley*, exonerated a woman
12 based upon defense counsel's failure to investigate and present expert testimony regarding
13 "battered woman's syndrome"; and

14 WHEREAS, survivors of domestic and intimate partner violence, childhood trauma,
15 sexual violence, and human trafficking are often criminalized and incarcerated for acting in
16 self-defense, for protecting their loved ones, and for actions they take under the coercion of
17 an abuser; and

18 WHEREAS, there are three Louisiana statutes defining justification as a defense to

1 criminal acts; and

2 WHEREAS, R.S. 14:18 allows a defendant to assert the defense of justification when
3 the offender's conduct is authorized by duties of public office, or a reasonable
4 accomplishment of lawful arrest, or authorized by law, or reasonable discipline of minors,
5 or a failure to perform an affirmative duty that is physically impossible, or when compelled
6 by threats, except when the crime is murder; and

7 WHEREAS, R.S. 14:19 provides a defense when the defendant uses force or violence
8 to prevent a forcible offense against the person or prevent trespass against property, except
9 when a homicide occurs; and

10 WHEREAS, R.S. 14:20 provides that a homicide is justifiable when committed in
11 self-defense against imminent danger of death or great bodily injury, or preventing a violent
12 offense against another; and

13 WHEREAS, Louisiana laws do not take into account the dynamics of intimate
14 partner violence where an abuser coerces a victim to participate in criminal activity after
15 long-term abuse and manipulation; and

16 WHEREAS, survivors are then left without a meaningful choice whether to
17 participate in the criminal activity, but the appropriate defense is also unavailable to them;
18 and

19 WHEREAS, changes in sentencing of domestic violence survivors in Louisiana
20 would help restore humanity and justice to survivors of trauma and abuse who act to protect
21 themselves and their loved ones, and would bring long-overdue relief to survivors who have
22 been incarcerated for many years.

23 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
24 does hereby request the Louisiana State Law Institute to study and make recommendations
25 on the general provisions of justification and use of force or violence in defense as those
26 provisions apply to survivors of domestic violence, intimate partner violence, and sexual
27 violence.

