

SENATE RESOLUTION NO. 150

BY SENATORS BARROW, ABRAHAM, BOUDREAUX, CLOUD, DUPLESSIS,  
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A RESOLUTION

To urge and request 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 survivors of domestic violence, intimate partner violence, and sexual violence.

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

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

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

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

WHEREAS, there are three Louisiana statutes defining justification as a defense to criminal acts; and

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby request 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 those provisions apply to survivors of domestic violence, intimate partner violence, and sexual violence.

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PRESIDENT OF THE SENATE