

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 819

2024 Regular Session

Ventrella

EVIDENCE: Provides relative to the burden of proof when the justification of self-defense is raised

Synopsis of Senate Amendments

1. Makes technical changes.
2. Provides that a defendant shall provide the district attorney with written notice of intent to assert the justification of self-defense within 10 days after the state has moved for discovery under present law (C.Cr.P. Art. 724).

Digest of Bill as Finally Passed by Senate

Proposed law (C.E. Art. 1105) provides that in any civil proceeding in which the defense of self-defense is raised, the defendant shall have the burden to prove by a preponderance of the evidence that he acted in self-defense.

Proposed law provides that if the defense of self-defense is raised in a civil proceeding by an authorized person as defined in present law (R.S. 9:2793.12), the burden of proof shall be on the party asserting the action to prove by a preponderance of the evidence that the injury, death, or loss complained of was not caused by a justified use of force or self-defense by the authorized person.

Proposed law (C.Cr.P. Art. 389) provides that in any criminal proceeding in which the justification of self-defense is raised pursuant to present law (R.S. 14:19 or 20), the state shall have the burden to prove beyond a reasonable doubt that the defendant did not act in self-defense.

Proposed law provides that any person who intends to assert the defense of self-defense shall provide written notice to the prosecution within 10 days after the state has moved for discovery under present law (C.Cr.P. Art. 724).

Proposed law provides that a peace officer shall consider evidence of self-defense in accordance with present law (R.S. 14:19 or 20) when determining if probable cause exists to conduct an arrest.

(Adds C.E. Art. 1105 and C.Cr.P. Art. 389)