
DIGEST

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Lopinto

HB No. 325

Abstract: Provides that force or violence is justified when committed against an intruder to compel him to leave or to stop his attempt to enter a dwelling, business, or motor vehicle.

Present law provides for justification in the use of force or violence when committed for the purpose of preventing a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession, provided that the force or violence used must be reasonable and apparently necessary to prevent such offense.

Proposed law retains the provisions of present law and further provides that the use of force is justified when committed by a person lawfully inside a dwelling, a place of business, or a motor vehicle when the conflict began, against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle, and the person using the force or violence reasonably believes that the use of force or violence is necessary to prevent the entry or to compel the intruder to leave the dwelling, place of business, or motor vehicle.

Proposed law adds "when the conflict began" as an element of justifiable homicide.

Present law uses the word "premises" in certain places.

Proposed law changes "premises" to "dwelling, place of business, or motor vehicle".

(Amends R.S. 14:19(A) and 20(A)(4)(a) and (B)(intro. para.))