
DIGEST

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HB 101 Original

2022 Regular Session

McCormick

Abstract: Provides that a homicide is justified when committed to prevent imminent destruction of property or imminent threat of tumultuous and violent conduct during a riot.

Present law provides that a homicide is justified:

- (1) When committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from danger.
- (2) When committed for the purpose of preventing a violent or forcible felony involving danger to life or of great bodily harm by one who reasonably believes that such an offense is about to be committed and that such action is necessary for its prevention.
- (3) When committed against a person whom one reasonably believes to be likely to use any unlawful force against a person present in a dwelling, place of business, or motor vehicle while the person is committing or attempting to commit a burglary or robbery of such dwelling, place of business, or motor vehicle.
- (4) When committed by a person lawfully inside a dwelling, place of business, or motor vehicle when the conflict began, against a person who is attempting to make or who has made an unlawful entry into the dwelling, place of business, or motor vehicle and the person who committed the homicide reasonably believed that the use of deadly force was necessary to prevent the entry or to compel the person to leave the dwelling, place of business, or motor vehicle.

Proposed law retains present law and adds that a homicide is justified when committed for the purpose of preventing imminent destruction of property or imminent threat of tumultuous and violent conduct during a riot. Provides that "riot" shall have the same meaning as provided for in present law (R.S. 14:329.1)

(Adds R.S. 14:20(A)(5))