

2022 Regular Session

SENATE RESOLUTION NO. 145

BY SENATOR BARROW

LEGIS POWERS/FUNCTIONS. Creates a task force relative to admissibility of expert testimony for victims of domestic violence under certain circumstances.

1 A RESOLUTION

2 To create and provide for the Task Force on Expert Testimony for Justification Defense.

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

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

8 WHEREAS, instead, there is a stereotype perpetuated against these victims that they  
9 must fight back in order to be a "victim" under the law; and

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

1           WHEREAS, the Survivor Informed Task Force, a multi-disciplinary organization,  
2 issued a report, but did not fully explore how to enact laws to allow victims to present a  
3 sufficient defense in criminal cases.

4           THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana  
5 does hereby establish and provide for the Task Force on Expert Testimony for Justification  
6 Defense to study the admissibility of expert testimony relative to a victim-defendant whose  
7 actions were the result of intimate partner violence, sexual violence, human trafficking, or  
8 domestic violence, and to propose recommendations, together with specific proposals for  
9 legislation.

10           BE IT FURTHER RESOLVED that the task force should include in its study  
11 consideration of introduction of expert testimony by a defendant who is also a victim of  
12 intimate partner violence, human trafficking, domestic violence, or sexual violence.

13           BE IT FURTHER RESOLVED that the task force shall consist of the following  
14 members:

15           (1) The senator for Senate District 15, who shall serve as chairperson of the study  
16 commission.

17           (2) The executive director of the Louisiana District Attorneys Association, or his  
18 designee.

19           (3) The state public defender, or his designee.

20           (4) A representative of the Louisiana Association of Criminal Defense Lawyers,  
21 appointed by the president of the board of directors.

22           (6) A representative of Sexual Trauma Awareness and Response, designated by the  
23 president of the organization.

24           (7) A representative of Voice of the Experienced (V.O.T.E.), appointed by the  
25 executive director.

26           (8) A representative of the Promise of Justice Initiative, designated by the president  
27 of the board of directors.

28           (9) A member from the Justice and Accountability Center of Louisiana, appointed  
29 by the board of directors.

30           (10) A representative of the judicial community, appointed by the chief justice of the

