SLS 22RS-3193 ORIGINAL

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

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BE IT FURTHER RESOLVED that each designating authority shall submit the names of designees to the study commission to the chairperson, no later than July 1, 2022.

BE IT FURTHER RESOLVED the task force shall convene for its first meeting no later than September 1, 2022, at the call of the chairperson, and at the first meeting, the members shall elect other officers as the task force may deem appropriate.

BE IT FURTHER RESOLVED that a majority of the task force shall constitute a quorum for the transaction of business, and all official actions of the task force shall require the affirmative vote of a majority of the members.

BE IT FURTHER RESOLVED that the members of the task force shall serve without compensation, except per diem or expenses reimbursement to which they may be individually entitled as members of their constituent organizations.

BE IT FURTHER RESOLVED that the task force shall make a written report of its finding and recommendations, together with any specific proposals for legislation, to the Senate, and the to the David R. Poynter Legislative Research Library as required by R.S. 24:771 and 772, no later than March 15, 2023.

BE IT FURTHER RESOLVED that the task force shall terminate on the date of the submission of its report or March 15, 2023, whichever occurs first.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Louisiana District Attorneys Association, the State Public Defender Board, the Louisiana Association of Criminal Defense Lawyers, Sexual Trauma Awareness and Response, Voice of the Experienced, the Promise of Justice Initiative, the Justice and Accountability Center of Louisiana, and the Louisiana Supreme Court.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Whitney Kauffeld.

DIGEST 2022 Regular Session

Barrow

Establishes the Task Force on Expert Testimony for Justification Defense.