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

## DIGEST 2023 Regular Session

**Barrow** 

<u>Proposed law</u> permits a defendant who is a victim of intimate partner violence, domestic abuse, human trafficking, or sexual assault to assert the defense of justification when the offense is a direct result of the intimate partner violence, domestic violence, human trafficking, or sexual assault.

<u>Proposed law</u> requires a rational and causal connection between the defendant's conduct and victimization, and a showing that the conduct was compelled through fraud, force, or coercion. <u>Proposed law</u> further provides that the victim has no duty to escape in order to assert the defense and the failure to escape, prior failure to cooperate in the arrest or prosecution of the perpetrator, and the defendant's past sexual behavior are not admissible to rebut the justification.

<u>Proposed law</u> prohibits the court from sentencing a defendant for longer than the original sentence if the re-sentencing is a result of a new trial under <u>proposed law</u>.

<u>Proposed law</u> requires that defendants be notified of any specialized treatment based upon their status, to the extent services are available.

<u>Proposed law</u> requires the chief judge in each judicial district to submit a report which includes the following information to the Judicial Council of Louisiana by December 1, 2023, and annually thereafter until 2025:

- (1) The number and type of motions presenting this defense.
- (2) The number of motions granted.

SB 215 Engrossed

(3) The outcomes of trial verdicts when this defense was presented.

<u>Proposed law</u> further requires the Judicial Counsel of Louisiana is to compile the information by the district courts and report to the Senate Committee on Judiciary C annually by January 15, 2024, until 2026.

<u>Proposed law</u> provides that a victim of human trafficking may assert an affirmative defense to prosecution for offenses that were committed as a direct result of being trafficked.

<u>Proposed law</u> permits expert testimony, in the form of expert opinion, regarding whether a defendant is a victim of intimate partner violence, domestic abuse, human trafficking, or sexual assault.

<u>Proposed law</u> expands the meaning of "victim" in the context of who may be granted a new trial to include victims of intimate partner violence, domestic abuse, human trafficking, and sexual assault,

or those able to show a justification defense under proposed law.

<u>Proposed law</u> permits a sentencing court to reduce the maximum sentence for a defendant who is also a victim of intimate partner violence, domestic abuse, human trafficking, or sexual assault.

<u>Proposed law</u> provides that the provisions of <u>proposed law</u> will cease to be effective on December 31, 2027.

Effective August 1, 2023.

(Amends R.S. 14:46.2(F)(1); adds R.S. 14:18.1 and 46.2(F)(4), C.Cr.P. Art. 890.1(F), 926.4, 930.3(9), and 930.8(A)(7), and C.E. Art. 707)

## Summary of Amendments Adopted by Senate

## Committee Amendments Proposed by Senate Committee on Judiciary C to the original bill

- 1. Change eligibility of victim who may assert justification defense.
- 2. Delete language allowing for retroactivity of justification defense.
- 3. Clarify that victims of human trafficking are eligible to assert defense.
- 4. Add language for post-conviction relief in certain circumstances.