
DIGEST

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HB 805 Original

2024 Regular Session

Bryant

Abstract: Provides relative to the justified use of force or commitment of a homicide by a battered person.

Proposed law defines the terms "battered person", "dating partner", "domestic abuse", "family member", "household member", "dating violence", and "pattern of abuse".

Proposed law provides that the use of force or violence or commitment of a homicide by a battered person is justified if all of the following circumstances are present:

- (1) When committed in a manner that is not legally justified pursuant to present law (R.S. 14:19 or 20).
- (2) When committed against a dating partner, family member, or household member who demonstrated a pattern of abuse against the battered person or another family member or household member of the battered person.
- (3) When there is reasonable belief that the use of force or violence or commitment of a homicide by the battered person was necessary to end the pattern of abuse.

Proposed law provides that a reasonable belief as provided in proposed law shall be assessed from the viewpoint of a reasonable person in the battered person's circumstances, as perceived by the battered person.

Proposed law provides that a battered person who asserts a defense pursuant to proposed law has the burden of proving, by clear and convincing evidence, that the use of force or violence or commitment of a homicide meets all of the requirements provided in proposed law.

Proposed law provides that if it is proven that the use of force or violence or commitment of a homicide meets all of the requirements provided in proposed law, the criminal responsibility of the battered person shall be either of the following:

- (1) Complete exemption from criminal responsibility.
- (2) Partial exemption from criminal responsibility, in which the battered person shall receive a punishment that reflects a lesser grade of the offense charged.

Proposed law provides that a battered person intending to assert a justification defense pursuant to proposed law shall give notice of the battered person's intent to assert the defense to the district attorney at least 30 days before the trial.

Proposed law provides that no finder of fact shall be permitted to consider the possibility of retreat as a factor in determining whether or not the battered person who used force or violence or committed a homicide had a reasonable belief that force or violence or the commitment of a homicide was reasonable and apparently necessary to prevent a forcible offense against the battered person, a family member, or a household member.

(Adds R.S. 14:20.2)