

RÉSUMÉ DIGEST

ACT 729 (HB 819)

2024 Regular Session

Ventrella

New law (C.E. Art. 1105) provides that in any civil proceeding in which the defense of self-defense is raised, the defendant shall have the burden to prove by a preponderance of the evidence that he acted in self-defense.

New law provides that if the defense of self-defense is raised in a civil proceeding by an authorized person as defined in existing law (R.S. 9:2793.12), the burden of proof shall be on the party asserting the action to prove by a preponderance of the evidence that the injury, death, or loss complained of was not caused by a justified use of force or self-defense by the authorized person.

New law (C.Cr.P. Art. 389) provides that in any criminal proceeding in which the justification of self-defense is raised pursuant to existing law (R.S. 14:19 or 20), the state shall have the burden to prove beyond a reasonable doubt that the defendant did not act in self-defense.

New law provides that any person who intends to assert the defense of self-defense shall provide written notice to the prosecution within 10 days after the state has moved for discovery under existing law (C.Cr.P. Art. 724).

New law provides that a peace officer shall consider evidence of self-defense in accordance with existing law (R.S. 14:19 or 20) when determining if probable cause exists to conduct an arrest.

Effective August 1, 2024.

(Adds C.E. Art. 1105 and C.Cr.P. Art. 389)