

2024 Regular Session

HOUSE BILL NO. 819

BY REPRESENTATIVE VENTRELLA

EVIDENCE: Provides relative to the burden of proof when the justification of self-defense is raised

1 AN ACT

2 To enact Code of Evidence Article 1105, relative to the burden of proof in certain
3 proceedings; to provide for the burden of proof when a claim of self-defense is raised
4 in criminal or civil proceedings; to provide relative to notice; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Evidence Article 1105 is hereby enacted to read as follows:

8 Art. 1105. Burden of proof; criminal proceedings; civil proceedings

9 A. In any criminal proceeding in which the justification of self-defense is
10 raised pursuant to R.S. 14:19 or 20, the state shall have the burden to prove beyond
11 a reasonable doubt that the defendant did not act in self-defense.

12 B. In any civil proceeding in which the defense of self-defense is raised, the
13 defendant shall have the burden to prove by a preponderance of the evidence that he
14 acted in self-defense.

15 C. Any person who asserts the defense of self-defense shall provide
16 reasonable notice to the prosecution in advance of trial asserting such defense.

17 D. For the purposes of this Article, if the defense of self-defense is raised in
18 a civil proceeding by an authorized person as defined in R.S. 9:2793.12, the burden
19 of proof shall be on the party asserting the action to prove by a preponderance of the

- 1 evidence that the injury, death, or loss complained of was not caused by a justified
2 use of force or self-defense by the authorized person.
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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 819 Engrossed

2024 Regular Session

Ventrella

Abstract: Provides for the burden of proof when a claim of self-defense is raised in criminal or civil proceedings.

Proposed law provides that in any criminal proceeding in which the justification of self-defense is raised pursuant to present 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.

Proposed law 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.

Proposed law provides that any person who asserts the defense of self-defense shall provide reasonable notice to the prosecution in advance of trial asserting such defense.

Proposed law provides that if the defense of self-defense is raised in a civil proceeding by an authorized person as defined in present 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.

(Adds C.E. Art. 1105)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Make technical changes.
2. Provide that any person who asserts the defense of self-defense shall provide reasonable notice to the prosecution in advance of trial asserting such defense.
3. Clarify the burden of proof if the defense of self-defense is raised in a civil proceeding by an authorized person as defined in present law (R.S. 9:2793.12).