

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; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

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

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

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

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

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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)]

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HB 819 Original

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.

(Adds C.E. Art. 1105)