

# ACT No. 729

2024 Regular Session

HOUSE BILL NO. 819

BY REPRESENTATIVE VENTRELLA

1 AN ACT

2 To enact Code of Evidence Article 1105 and Code of Criminal Procedure Article 389,  
3 relative to the burden of proof in certain proceedings; to provide for the burden of  
4 proof when a claim of self-defense is raised in criminal or civil proceedings; to  
5 provide relative to notice; and to provide for 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; civil proceedings

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

12 B. For the purposes of this Article, if the defense of self-defense is raised in  
13 a civil proceeding by an authorized person as defined in R.S. 9:2793.12, the burden  
14 of proof shall be on the party asserting the action to prove by a preponderance of the  
15 evidence that the injury, death, or loss complained of was not caused by a justified  
16 use of force or self-defense by the authorized person.

17 Section 2. Code of Criminal Procedure Article 389 is hereby enacted to read as  
18 follows:

19 Art. 389. Burden of proof; justification of self-defense raised; probable cause

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

23 B. Any defendant intending to assert the justification of self-defense  
24 pursuant to R.S. 14:19 or 20 shall provide written notice to the district attorney

1           within ten days after the state has moved for discovery under Article 724. Thereafter,  
2           the court may, for good cause shown, allow a defendant to provide such notice at any  
3           time before the commencement of the trial.

4                   C. A peace officer shall consider evidence of self-defense in accordance with  
5           R.S. 14:19 or 20 when determining if probable cause exists to conduct an arrest.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE

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GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_