

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.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____