

Regular Session, 2012

SENATE BILL NO. 719

BY SENATOR DORSEY-COLOMB

CRIME/PUNISHMENT. Provides for legislation relative to justifiable homicide. (8/1/12)

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AN ACT

To enact R.S. 14:20 (E), relative to justifiable use of force or violence; to provide for an exception for a presumption in the use of force or violence under certain circumstances; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 14:20 (E) is hereby enacted to read as follows:

§20. Justifiable homicide

* * *

E. The provisions of Paragraph (A)(1) and Subsection C of this Section shall not apply when the person committing the homicide initially incites the use of force or violence against another with the intent to use such force as an excuse to inflict bodily harm upon another or the intentional placing of another in reasonable apprehension of receiving great bodily harm.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

Present law provides that one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger is justified in such killing.

Present law provides that a person who is not engaged in unlawful activity and who is in a place where he or she has a right to be shall have no duty to retreat before using deadly force and may stand his or her ground and meet force with force.

Proposed law provides that a homicide is not justified when the person committing the homicide initially incites the use of force against another with the intent to use such force as an excuse to inflict bodily harm upon another or the intentional placing of another in reasonable apprehension of receiving great bodily harm.

Effective August 1, 2012.

(Adds R.S. 14:20(E))