

Regular Session, 2012

HOUSE BILL NO. 1100

BY REPRESENTATIVE BURRELL

CRIME: Amends provisions of law regarding the use of force, violence, and deadly force

1 AN ACT

2 To amend and reenact R.S. 14:19(C) and (D) and 20(C) and (D), relative to the use of force,
3 violence, or deadly force in certain circumstances; to prohibit the pursuit of an
4 aggressor in circumstances where force, violence, or deadly force may be used; and
5 to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 14:19(C) and (D) and 20(C) and (D) hereby amended and reenacted
8 to read as follows:

9 §19. Use of force or violence in defense

10 * * *

11 C.(1) A person who is not engaged in unlawful activity and who is in a place
12 where he or she has a right to be shall have no duty to retreat before using force or
13 violence as provided for in this Section and may stand his or her ground and meet
14 force with force.

15 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a
16 person shall not be permitted to pursue an aggressor if the aggressor retreats before
17 force or violence is used.

18 D.(1) No finder of fact shall be permitted to consider the possibility of retreat
19 as a factor in determining whether or not the person who used force or violence in
20 defense of his person or property had a reasonable belief that force or violence was

1 reasonable and apparently necessary to prevent a forcible offense or to prevent the
2 unlawful entry.

3 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a
4 finder of fact may consider whether or not the person who used force or violence
5 pursued the aggressor if the aggressor retreated before force or violence was used.

6 §20. Justifiable homicide

7 * * *

8 C.(1) A person who is not engaged in unlawful activity and who is in a place
9 where he or she has a right to be shall have no duty to retreat before using deadly
10 force as provided for in this Section, and may stand his or her ground and meet force
11 with force.

12 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a
13 person shall not be permitted to pursue an aggressor if the aggressor retreats before
14 deadly force is used.

15 D.(1) No finder of fact shall be permitted to consider the possibility of retreat
16 as a factor in determining whether or not the person who used deadly force had a
17 reasonable belief that deadly force was reasonable and apparently necessary to
18 prevent a violent or forcible felony involving life or great bodily harm or to prevent
19 the unlawful entry.

20 (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a
21 finder of fact may consider whether or not the person who used deadly force pursued
22 the aggressor if the aggressor retreated before deadly force was used.

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)]

Burrell

HB No. 1100

Abstract: Provides with respect to the pursuit of an aggressor when force, violence, or deadly force is used to prevent the commission of a crime involving death or serious bodily injury or unlawful entry.

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 force, violence, or deadly force and may stand his ground and meet force with force.

Proposed law provides that, notwithstanding present law, a person shall not be permitted to pursue an aggressor if the aggressor retreats before force, violence, or deadly force is used.

Present law provides that no finder of fact shall be permitted to consider the possibility of retreat as a factor in determining whether or not the person who used force, violence, or deadly force in defense of his person or property had a reasonable belief that force, violence, or deadly force was reasonable and apparently necessary to prevent a forcible offense or to prevent the unlawful entry.

Proposed law provides that, notwithstanding present law, a finder of fact may consider whether or not the person who used force, violence, or deadly force pursued the aggressor if the aggressor retreated before force, violence, or deadly force was used.

(Amends R.S. 14:19(C) and (D) and 20(C) and (D))