
DIGEST

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Burrell

HB No. 1100

Abstract: Provides that a finder of fact may consider pursuit in determining whether the pursuer is an aggressor.

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.

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 pursuit in determining whether the pursuer is an aggressor as defined in present law.

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

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill.

1. Removed provisions prohibiting the pursuit of an aggressor if the aggressor retreats before force, violence, or deadly force is used in defense of a person or property.
2. Added that finder of fact may consider pursuit in determining whether the pursuer is an aggressor as defined in present law.