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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Senate Legislative Services. The keyword, summary, 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)]

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SB 152 Original	DIGEST 2025 Regular Session	Mizell
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Proposed law provides that a defendant's criminal conduct is justifiable if the following are proven:

- (1) The crime is not a crime of violence, a sex offense, or cruelty to juveniles.
- (2) The defendant is a victim of domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes.
- (3) The defendant reasonably believed the victim would inflict death, great bodily harm, or sexual assault upon the defendant or another if the defendant did not commit the offense.
- (4) The defendant reasonably believed that committing the offense was necessary to prevent the death, great bodily harm, or sexual assault.
- (5) There was a rational, causal, and temporally proximate connection between the offense and the defendant's victimization.

Proposed law permits expert testimony, in the form of expert opinion, to support or rebut a defense of whether a defendant is a victim of domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes. Proposed law further provides that a defendant must provide notice no later than 45 days prior to trial if the defendant intends to offer this defense.

Proposed law provides that an expert may testify, after being qualified by the court under present law, in the form of an opinion on whether the defendant is a victim of intimate partner violence, domestic violence, or sexual violence and committed the offense at issue as a direct result of being a victim.

Proposed law permits evidence of the defendant's victimization by an alleged perpetrator of domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes, or any family member, household member or dating partner of the defendant, or any other relevant evidence. Proposed law requires notice be given prior to the introduction of the evidence.

Proposed law provides that the court may find by clear and convincing evidence that the defendant is a victim of domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes and that there was rational, causal, and temporarily proximate connection between the offense and the victimization. Proposed law further provides that the court must order a pre-sentence investigation and provide written reasons for any sentence imposed.

Present law provides for a motion to reconsider sentence.

Proposed law provides that a defendant who meets the criteria set forth in proposed law relative to sentencing victims of certain offences may file a motion to reconsider sentence at any time before Aug. 1, 2028. In determining whether to order an evidentiary hearing, the court will use the same standard as provided in present law relative to evidentiary hearings. An evidentiary hearing will not be ordered if the state and the defendant agree on the factual basis for the motion. Proposed law otherwise retains present law.

Proposed law provides that a defendant will be sentenced in accordance with proposed law if all of the following are established by clear and convincing evidence:

- (1) The defendant is a victim of domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes.
- (2) Domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes was a significant contributing factor to the defendant's participation in the instant offense.
- (3) Either that the victim is the same person who perpetrated domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes against the defendant, or the perpetrator of domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes against the defendant compelled the defendant's participation in the commission of the instant offense using fraud, force, or coercion.
- (4) There was a rational, causal, and temporally proximate connection between the offense and the defendant's victimization.

Proposed law only applies to cases which the perpetrator of domestic violence, sexual assault, human trafficking, or trafficking of children for sexual purposes against the defendant was a principal to the instant offense, as defined by present law, regardless if he was arrested or charged with the instant offense.

Proposed law provides that a defendant who meets proposed law criteria will have his sentenced reduced as follows:

- (1) A sentence of death will not be reduced.
- (2) A sentence of life imprisonment with hard labor will be reduced to imprisonment for a minimum of 10 years, but no more than 50 years, with labor.
- (3) Any other term of imprisonment will not exceed  $\frac{1}{2}$  of the maximum term of imprisonment prescribed by present law for the offense for which the defendant was convicted.

Proposed law permits evidence of the defendant's victimization from alleged perpetrator of the

domestic abuse, sexual assault or trafficking, or any family member, household member or dating partner of the defendant, or any other relevant evidence. Proposed law requires notice be given prior to the introduction of the evidence.

Effective August 1, 2025.

(Amends C.E. Art. 412.4(A) and (B); adds C.E. 707, C.Cr.P. Arts. 881(A)(5), 890.4, and 894.1(G), and R.S. 14:18.1)