

Regular Session, 2012

SENATE BILL NO. 738

BY SENATORS MORRELL AND HEITMEIER AND REPRESENTATIVES  
BROSSETT, LEGER AND MORENO

HOMICIDE. Provides relative to a claim of self-defense. (gov sig)

1 AN ACT  
2 To enact R.S. 14:20.1, relative to self-defense; to provide relative to when such immunity  
3 from criminal prosecution is not available; and to provide for related matters.  
4 Be it enacted by the Legislature of Louisiana:  
5 Section 1. R.S. 14:20.1 is hereby enacted to read as follows:  
6 **§20.1. Limitation on claim of self-defense**  
7 **A. A person who intentionally follows another person to cause a**  
8 **reasonable person to feel alarmed, to suffer emotional distress, or to place the**  
9 **person in reasonable apprehension of receiving a battery or other crime cannot**  
10 **claim the right of self-defense unless he withdraws from the conduct in good**  
11 **faith and in such a manner that the other person knows or should know that the**  
12 **aggressor desires to withdraw and discontinue the conduct.**  
13 **B. The provisions of this Section shall not apply to:**  
14 **(1) A peace officer, as defined in R.S. 14:30(B)(1), acting during the**  
15 **course and scope of his employment and performing his duties.**  
16 **(2) A private investigator licensed pursuant to the provisions of Chapter**  
17 **56 of Title 37 of the Louisiana Revised Statutes of 1950, acting during the course**

1           and scope of his employment and performing his duties relative to the  
2           conducting of an investigation.

3           (3) An investigator employed by an authorized insurer regulated  
4           pursuant to the provisions of Title 22 of the Louisiana Revised Statutes of 1950,  
5           acting during the course and scope of his employment and performing his duties  
6           relative to the conducting of an insurance investigation.

7           (4) An investigator employed by an authorized self-insurance group or  
8           entity regulated pursuant to the provisions of Chapter 10 of Title 23 of the  
9           Louisiana Revised Statutes of 1950, acting during the course and scope of his  
10          employment and performing his duties relative to the conducting of an  
11          insurance investigation.

12          Section 2. This Act shall become effective upon signature by the governor or, if not  
13          signed by the governor, upon expiration of the time for bills to become law without signature  
14          by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
15          vetoed by the governor and subsequently approved by the legislature, this Act shall become  
16          effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Cathy R. Wells.

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#### DIGEST

Proposed law prohibits any person who intentionally follows another person to cause a reasonable person to feel alarmed, to suffer emotional distress, or to place the person in a reasonable apprehension of receiving a battery or other crime from claiming self-defense unless he withdraws from the conduct in good faith and in such a manner that the other person knows or should know that the aggressor desires to withdraw and discontinue the conduct, except when:

1. A peace officer is acting in the course and scope of his employment and performing his duties.
2. A private investigator or insurance investigator is acting in the course and scope of his employment and performing his duties and conducting an investigation.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds R.S. 14:20.1)