

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 authorize the finder of fact to  
4 consider pursuit in circumstances where force, violence, or deadly force may be  
5 used; and 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 finder of fact may consider pursuit in determining whether the pursuer is an  
17 aggressor as defined in R.S. 14:21.

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  
21 reasonable and apparently necessary to prevent a forcible offense or to prevent the  
22 unlawful entry.

1           (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a  
2           finder of fact may consider pursuit in determining whether the pursuer is an  
3           aggressor as defined in R.S. 14:21.

4           §20. Justifiable homicide

5   \*       \*       \*

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

10           (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a  
11           finder of fact may consider pursuit in determining whether the pursuer is an  
12           aggressor as defined in R.S. 14:21.

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

18           (2) Notwithstanding the provisions of Paragraph (1) of this Subsection, a  
19           finder of fact may consider pursuit in determining whether the pursuer is an  
20           aggressor as defined in R.S. 14:21.

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#### 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)]

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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.