

2024 Regular Session

HOUSE BILL NO. 355

BY REPRESENTATIVE GALLE

CRIME: Amends provisions of law regarding justification in the use of force or violence

1 AN ACT

2 To enact R.S. 14:19(A)(1)(c) and 20(A)(5), relative to the justifiable use of force or violence
3 or homicide; to provide for a presumption in the use of force or violence or homicide
4 under certain circumstances; to provide for immunity from criminal prosecution for
5 the use of force or violence or homicide under certain circumstances; to provide for
6 applicability; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 14:19(A)(1)(c) and 20(A)(5) are hereby enacted to read as follows:

9 §19. Use of force or violence in defense

10 A.(1) The use of force or violence upon the person of another is justifiable
11 under ~~either~~ any of the following circumstances:

12 * * *

13 (c) When committed by a person lawfully inside a motor vehicle against a
14 person who is illegally blocking a roadway in violation of R.S. 32:143.2, 216, or any
15 other applicable provision of law, provided that the force or violence used is
16 reasonable and apparently necessary in order to retreat or escape from the person
17 illegally blocking the roadway, and the person lawfully inside the motor vehicle
18 reasonably believes that he or his passenger is in immediate danger of imminent
19 death, bodily injury, or serious bodily harm.

20 * * *

21 §20. Justifiable homicide

22 A. A homicide is justifiable:

23 * * *

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(5) When committed by a person lawfully inside a motor vehicle against a

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person who is illegally blocking a roadway in violation of R.S. 32:143.2, 216, or any

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other applicable provision of law, provided that the force or violence used is

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reasonable and apparently necessary in order to retreat or escape from the person

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illegally blocking the roadway, and the person lawfully inside the motor vehicle

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reasonably believes that he or his passenger is in immediate danger of imminent

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death, bodily injury, or serious bodily harm.

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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)]

HB 355 Original

2024 Regular Session

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Abstract: Adds an additional circumstance where the use of force or violence or homicide upon the person of another is justifiable.

Present law (R.S. 14:19) provides for certain circumstances where the use of force or violence upon the person of another is justifiable.

Proposed law retains present law.

Proposed law (R.S. 14:20) adds an additional circumstance for a person who is lawfully inside a motor vehicle against a person who is illegally blocking a roadway in violation of present law (R.S. 32:143.2 or 216) or any other applicable provision of law, provided that the force or violence used is reasonable and apparently necessary in order to retreat or escape from the person illegally blocking the roadway, and the person lawfully inside the motor vehicle reasonably believes that he or his passenger is in immediate danger of imminent death, bodily injury, or serious bodily harm.

Present law provides for certain circumstances where a homicide is justifiable.

Proposed law retains present law.

Proposed law adds an additional circumstance for a person who is lawfully inside a motor vehicle against a person who is illegally blocking a roadway in violation of present law (R.S. 32:143.2 or 216) or any other applicable provision of law, provided that the force or violence used is reasonable and apparently necessary in order to retreat or escape from the person illegally blocking the roadway, and the person lawfully inside the motor vehicle reasonably believes that he or his passenger is in immediate danger of imminent death, bodily injury, or serious bodily harm.

(Adds R.S. 14:19(A)(1)(c) and 20(A)(5))