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HOUSE FLOOR AMENDMENTS

2019 Regular Session

Amendments proposed by Representative Miguez to Engrossed House Bill No. 235 by Representative Amedee

1 AMENDMENT NO. 1

2 On page 1, line 2, after "reenact" delete the remainder of the line and delete lines 3 through
3 4 in their entirety and insert the following

4 "R.S. 14:19(A)(1)(introductory paragraph) and (B)(introductory paragraph) and 20
5 (B)(introductory paragraph) and (1) and to enact R.S. 14:19(A)(1)(c), and (E) and
6 20(A)(5) and (E), relative to defenses to prosecution; to provide relative to the use"

7
8 AMENDMENT NO. 2

9 On page 1, line 9, after "Section 1." delete the remainder of the line in their entirety and
10 delete lines 10 through 11 in their entirety and insert the following:

11 "R.S. 14:19(A)(1)(introductory paragraph) and (B)(introductory paragraph) and 20
12 (B)(introductory paragraph) and (1) are hereby amended and reenacted and R.S.
13 14:19(A)(1)(c) and (E) and 20(A)(5) and (E), are hereby enacted to read as follows:"

14 AMENDMENT NO. 3

15 On page 1, delete lines 12 through 20 in their entirety and insert the following:

16 "§19. Use of force or violence in defense

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

19 * * *

20 (c) When committed by a lawful person who is inside a religious building
21 property, as is defined in R.S. 40:981.3, and when the use of force by the lawful
22 person against the intruder meets all of the following circumstances:

23 (i) Is made for the purpose of preventing an intruder from committing a
24 crime or forcible offense against the religious building property or against the lawful
25 person or against another person present in the religious building property.

26 (ii) The lawful person reasonably believes that the use of force is necessary
27 to prevent the entry or compel the intruder to leave the religious building property
28 or to prevent the intruder from committing a crime against the permittee or other
29 person inside the building.

30 * * *

31 B. For the purposes of this Section, there shall be a presumption that a
32 person lawfully inside a dwelling, place of business, religious building property, or
33 motor vehicle held a reasonable belief that the use of force or violence was necessary

1 to prevent unlawful entry thereto, or to compel an unlawful intruder to leave the
2 premises or motor vehicle, if both of the following occur:

3 * * *

4 E. (1) For purposes of this Section, the term "intruder" means a person who
5 does any of the following:

6 (a) Is engaged in a criminal act.

7 (b) Enters with the intent to commit a crime.

8 (c) Is unlawfully present.

9
10 (2) For purposes of Subparagraph (A)(1)(c) of this Section, the term "lawful
11 person" shall apply to a person claiming the defense set forth in this Section when
12 the force used against an intruder involves the use of a firearm and, at the time of the
13 use of force against the intruder, the person was not prohibited from possessing a
14 firearm under state or federal law."

15 AMENDMENT NO. 4

16 On page 2, delete lines 1 through 29 in their entirety and insert the following:

17 "§20. Justifiable homicide

18 A. A homicide is justifiable:

19 * * *

20 (5) When committed by a lawful person who is inside a religious building
21 property, as is defined in R.S. 40:981.3, and when the use of force by the lawful
22 person against the intruder meets all of the following circumstances:

23 (i) Is made for the purpose of preventing an intruder from committing a
24 crime or forcible offense against the religious building property or against the
25 permittee or against another person present in the religious building property.

26 (ii) The permittee reasonably believes that the use of force is necessary to
27 prevent the entry or compel the intruder to leave the religious building property or
28 to prevent the intruder from committing a crime against the permittee or other person
29 inside the building.

30 * * *

31 B. For the purposes of this Section, there shall be a presumption that a
32 person lawfully inside a dwelling, place of business, or motor vehicle held a
33 reasonable belief that the use of deadly force was necessary to prevent unlawful
34 entry thereto, or to compel an unlawful intruder to leave the dwelling, religious
35 building property, place of business, or motor vehicle when the conflict began, if
36 both of the following occur:

37 (1) The person against whom deadly force was used was in the process of
38 unlawfully and forcibly entering or had unlawfully and forcibly entered the dwelling,
39 place of business, religious building property, or motor vehicle.

40 * * *

1 E.(1) For purposes of this Section, the term "intruder" means a person who
2 does any of the following:

3 (a) Is engaged in a criminal act.

4 (b) Enters with the intent to commit a crime.

5 (c) Is unlawfully present.

6 (2) For purposes of Subparagraph (A)(1)(c) of this Section the term "lawful
7 person" shall apply to a person claiming the defense set forth in this Section when
8 the force used against an intruder involves the use of a firearm and, at the time of the
9 use of force against the intruder, the person was not prohibited from possessing a
10 firearm under state or federal law."

11 AMENDMENT NO. 5

12 On page 3, delete lines 1 through 27 in their entirety