

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

REENGROSSED

LLS NO. 26-0727.03 Amirah Vasquez x2851

HOUSE BILL 26-022

SENATE SPONSORSHIP

Azalea, Daugherty

HOUSE SPONSORSHIP

Bennett, Cardenas

House Committees

Judiciary

Senate Committees

Not assigned

A BILL FOR AN ACT

CONCERNING CREATING A SELF DEFENSE CLAUSE IN DOMESTIC ABUSE CASES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill clarifies the application of self-defense law in cases involving ongoing domestic abuse. The bill allows courts and juries to consider documented patterns of abuse when evaluating whether a defendant reasonably believed the use of force was necessary to prevent serious bodily injury or death.

Under current law, self-defense generally requires that harm be imminent. This bill provides that, in cases involving spouses, former spouses, cohabitants, or intimate

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.

Capital letters or bold & italic numbers indicate new material to be added to existing law.

Dashes through the words or numbers indicate deletions from existing law.

partners, the requirement of imminence shall not be interpreted to require that violence be occurring at the precise moment force is used, if credible evidence demonstrates an ongoing pattern of abuse and a reasonable belief that serious harm was likely in the near future.

The legislation permits admission of evidence such as prior police reports, protection orders, medical documentation, testimony regarding threats or repeated violence, and expert testimony concerning patterns of domestic abuse. The defendant retains the burden of producing supporting evidence, and the prosecution maintains the burden of proving beyond a reasonable doubt that the use of force was not justified.

The bill does not create a presumption of justification and does not authorize retaliatory violence. Instead, it provides guidance for courts and juries to assess reasonableness in the context of documented domestic abuse.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and cited
4 as the “Spousal Self-Defense Protection Act.” **SECTION 2.**
5 **LEGISLATIVE FINDINGS AND INTENT.** (a) The General
6 Assembly finds and declares that: (I) Victims of domestic abuse
7 may experience ongoing patterns of violence, coercion, and
8 credible threats of serious bodily harm; (II) Traditional
9 self-defense standards requiring immediate or imminent harm
10 may not adequately account for circumstances involving sustained
11 abuse and credible future danger; (III) Courts should be permitted
12 to consider evidence of documented abuse when evaluating
13 claims of self-defense; (IV) The State has a compelling interest in
14 ensuring that victims of domestic violence are not unjustly
15 criminalized when acting to protect themselves from a pattern of
16 serious abuse; (V) It is the intent of the General Assembly to
17 clarify the application of self-defense law in cases involving
18 documented domestic abuse while preserving the prosecution’s

1 burden of proof beyond a reasonable doubt. **SECTION 3.**
2 ADDITION TO TITLE 11 — SELF-DEFENSE IN CASES OF
3 DOMESTIC ABUSE. A new section is added to Title 11 of the
4 San Andreas Revised Statutes as follows: §2.11.11. Self-Defense
5 in the Context of Ongoing Domestic Abuse. (a) In a prosecution
6 for homicide, assault, or other violent offense arising from
7 conduct against a ~~spouse, former spouse, cohabitant, or intimate~~
8 ~~partner~~ spouse, former spouse, cohabitant, intimate partner, family
9 member, or household member, the defendant may assert
10 self-defense where: (I) The defendant was subjected to a pattern
11 of domestic abuse by the alleged victim; and (II) The defendant
12 reasonably believed the use of force was necessary to prevent
13 serious bodily injury or death, as evaluated from the perspective
14 of a reasonable person in the defendant’s circumstances, including
15 the history of abuse known to the defendant. (b) The requirement
16 of imminent harm shall not require that violence be occurring at
17 the precise moment force was used where credible evidence
18 demonstrates a continuing threat of serious bodily injury or death
19 likely to occur within a reasonably foreseeable period. (c)
20 Evidence admissible under this section may include: (I) Prior
21 police reports, protection orders, or criminal convictions; (II)
22 Medical records documenting injuries; (III) Testimony regarding
23 threats, coercion, or repeated acts of violence; (IV) Expert
24 testimony concerning patterns of domestic abuse, trauma
25 responses, delayed reporting, survivor behavior, or psychological
26 effects of sustained abuse; (V) Evidence of prior abusive conduct
27 shall not be excluded solely because such conduct did not result in
28 arrest, prosecution, or conviction. (d) The defendant shall have the
29 burden of producing evidence supporting the claim under this
30 section. Upon such showing, the prosecution retains the burden to
31 prove beyond a reasonable doubt that the use of force was not
32 justified. (e) For purposes of this section, a “pattern of domestic
33 abuse” includes physical violence, threats of violence, coercive

1 control, stalking, intimidation, isolation, economic abuse, or
2 repeated conduct that would cause a reasonable person to fear
3 serious bodily injury or death. (f) Upon motion of the defendant,
4 the court may conduct a pretrial evidentiary hearing to determine
5 whether sufficient evidence exists to permit presentation of a
6 self-defense claim under this section to the jury. (g) In evaluating
7 justification under this section, the trier of fact may consider
8 whether patterns of abuse reasonably limited the defendant's
9 ability to safely retreat or seek protection through alternative
10 means. (h) In evaluating a claim under this section, the court may
11 consider whether the defendant previously sought assistance from
12 law enforcement, medical professionals, or social service
13 providers related to the alleged pattern of domestic abuse. (i)
14 Evidence of prior acts of domestic abuse shall be admissible for
15 the limited purpose of establishing the defendant's reasonable
16 belief that the use of force was necessary. (j) Courts may permit
17 testimony from qualified experts regarding the psychological
18 effects of prolonged domestic abuse, including trauma responses
19 and the impact of coercive control on a victim's perception of
20 danger. (k) The court may issue protective orders limiting
21 disclosure of sensitive evidence introduced under this section
22 where necessary to protect the privacy or safety of victims of
23 domestic abuse. (l) In determining reasonableness under this
24 section, the trier of fact may consider the cumulative impact of
25 repeated abuse over time rather than evaluating each incident in
26 isolation. (m) Evidence offered under this section may include
27 testimony from family members, neighbors, counselors, or other
28 individuals who observed or were aware of the alleged pattern of
29 abuse. (n) Courts may consider whether the alleged victim
30 previously violated protection orders, restraining orders, or other
31 court directives related to domestic violence. (o) Corroborating
32 evidence requirement. (I) A defendant asserting self-defense
33 under this section shall present corroborating evidence supporting

1 the existence of a pattern of domestic abuse. (II) Corroborating
2 evidence may include police reports, protection orders, medical
3 records, witness testimony, communications containing threats,
4 photographs of injuries, or other documentation demonstrating
5 prior abuse. (III) Lack of arrest, prosecution, or conviction related
6 to prior incidents shall not alone preclude the court from
7 considering corroborating evidence of abuse. (p) Application to
8 family and household members. (I) For purposes of this section,
9 “family member or household member” includes individuals
10 related by blood, marriage, adoption, guardianship, or individuals
11 who currently reside or previously resided in the same household
12 as the defendant. (II) The provisions of this section shall apply
13 equally where the alleged abuse occurred within a family or
14 household relationship. **SECTION 4. LIMITATIONS.** (a) This
15 Act does not create a presumption of justification. (b) This Act
16 does not authorize retaliatory or punitive violence and applies
17 only where the use of force is motivated by prevention of
18 reasonably anticipated serious bodily injury or death. (c) Nothing
19 in this Act shall be construed to eliminate the availability of other
20 affirmative defenses under state law. (d) Nothing in this Act shall
21 be construed to limit the prosecution’s ability to challenge the
22 credibility or reliability of evidence presented in support of a
23 self-defense claim. ~~**SECTION 5. JURY INSTRUCTION.** (a)
24 Courts shall provide jury instructions explaining that
25 reasonableness shall be evaluated from the standpoint of a person
26 subjected to ongoing domestic abuse and that delayed defensive
27 action may be consistent with lawful self-defense where credible
28 evidence of sustained abuse exists. (b) Jury instructions issued
29 under this section shall emphasize that the existence of prior
30 abuse does not automatically justify the use of force and that each
31 case must be evaluated based on the totality of circumstances.~~
32 **SECTION 5. STATEWIDE JURY INSTRUCTION**
33 **STANDARDS.** (a) The Judicial Branch shall develop uniform

1 jury instructions governing the application of self-defense claims
2 involving patterns of domestic abuse. (b) Such instructions shall
3 clarify that reasonableness may be evaluated from the perspective
4 of a person subjected to ongoing abuse and that evidence of
5 sustained abuse may inform a jury's determination of whether the
6 defendant reasonably believed force was necessary. (c) The
7 instructions shall be made publicly available and shall be used by
8 courts throughout the state in cases arising under this Act. (d)
9 Courts shall ensure that jury instructions issued under this section
10 emphasize that the existence of past abuse does not automatically
11 justify the use of force and that each case must be evaluated based
12 on the totality of circumstances. **SECTION 5.5. TRAINING.** (a)
13 The Judicial Branch shall develop educational materials regarding
14 application of self-defense law in cases involving domestic abuse.
15 (b) Training shall include trauma-informed evaluation of evidence
16 and survivor behavior. (c) Training developed under this section
17 shall include instruction on identifying patterns of coercive
18 control and recognizing barriers that may prevent victims of abuse
19 from seeking assistance. **SECTION 6. EFFECTIVE DATE.** This
20 Act shall take effect after the 90 day period following the final
21 adjournment of the Seventy-Seventh general assembly.