

HOUSE BILL 26-022

By Senator(s) Azalea, Daugherty
also Representative(s) Bennett, Cardenas

AN ACT**CONCERNING CREATING A SELF DEFENSE-
CLAUSE IN DOMESTIC ABUSE CASES.**

Be It Enacted by the General Assembly of the State of San Andreas:

SECTION 1. SHORT TITLE.

This act shall be known and cited as the “Spousal Self-Defense Protection Act.”

SECTION 2. LEGISLATIVE FINDINGS AND INTENT.

(a) The General Assembly finds and declares that:

- (I) Victims of domestic abuse may experience ongoing patterns of violence, coercion, and credible threats of serious bodily harm;
- (II) Traditional self-defense standards requiring immediate or imminent harm may not adequately account for circumstances involving sustained abuse and credible future danger;
- (III) Courts should be permitted to consider evidence of documented abuse when evaluating claims of self-defense;
- (IV) The State has a compelling interest in ensuring that victims of domestic violence are not unjustly criminalized when acting to protect themselves from a pattern of serious abuse;
- (V) It is the intent of the General Assembly to clarify the application of self-defense law in cases involving documented domestic abuse while preserving the prosecution’s burden of proof beyond a reasonable doubt.

SECTION 3. ADDITION TO TITLE 11 — SELF-DEFENSE IN CASES OF DOMESTIC ABUSE.

A new section is added to Title 11 of the San Andreas Revised Statutes as follows: §2-11-11.
Self-Defense in the Context of Ongoing Domestic Abuse.

(a) In a prosecution for homicide, assault, or other violent offense arising from conduct against a spouse, former spouse, cohabitant, intimate partner, family member, or household member, the defendant may assert self-defense where:

- (I) The defendant was subjected to a pattern of domestic abuse by the alleged victim; and
- (II) The defendant reasonably believed the use of force was necessary to prevent serious bodily injury or death, as evaluated from the perspective of a reasonable person in the defendant’s circumstances, including the history of abuse known to the defendant.

(b) The requirement of imminent harm shall not require that violence be occurring at the precise moment force was used where credible evidence demonstrates a continuing threat of serious bodily injury or death likely to occur within a reasonably foreseeable period.

- (c) Evidence admissible under this section may include:
- (I) Prior police reports, protection orders, or criminal convictions;
 - (II) Medical records documenting injuries;
 - (III) Testimony regarding threats, coercion, or repeated acts of violence;
 - (IV) Expert testimony concerning patterns of domestic abuse, trauma responses, delayed reporting, survivor behavior, or psychological effects of sustained abuse;
 - (V) Evidence of prior abusive conduct shall not be excluded solely because such conduct did not result in arrest, prosecution, or conviction.
- (d) The defendant shall have the burden of producing evidence supporting the claim under this section. Upon such showing, the prosecution retains the burden to prove beyond a reasonable doubt that the use of force was not justified.
- (e) For purposes of this section, a “pattern of domestic abuse” includes physical violence, threats of violence, coercive control, stalking, intimidation, isolation, economic abuse, or repeated conduct that would cause a reasonable person to fear serious bodily injury or death.
- (f) Upon motion of the defendant, the court may conduct a pretrial evidentiary hearing to determine whether sufficient evidence exists to permit presentation of a self-defense claim under this section to the jury.
- (g) In evaluating justification under this section, the trier of fact may consider whether patterns of abuse reasonably limited the defendant’s ability to safely retreat or seek protection through alternative means.
- (h) In evaluating a claim under this section, the court may consider whether the defendant previously sought assistance from law enforcement, medical professionals, or social service providers related to the alleged pattern of domestic abuse.
- (i) Evidence of prior acts of domestic abuse shall be admissible for the limited purpose of establishing the defendant’s reasonable belief that the use of force was necessary.
- (j) Courts may permit testimony from qualified experts regarding the psychological effects of prolonged domestic abuse, including trauma responses and the impact of coercive control on a victim’s perception of danger.
- (k) The court may issue protective orders limiting disclosure of sensitive evidence introduced under this section where necessary to protect the privacy or safety of victims of domestic abuse.
- (l) In determining reasonableness under this section, the trier of fact may consider the cumulative impact of repeated abuse over time rather than evaluating each incident in isolation.
- (m) Evidence offered under this section may include testimony from family members, neighbors, counselors, or other individuals who observed or were aware of the alleged pattern of abuse.
- (n) Courts may consider whether the alleged victim previously violated protection orders, restraining orders, or other court directives related to domestic violence.
- (o) Corroborating evidence requirement.
- (I) A defendant asserting self-defense under this section shall present corroborating evidence supporting the existence of a pattern of domestic abuse.

- (II) Corroborating evidence may include police reports, protection orders, medical records, witness testimony, communications containing threats, photographs of injuries, or other documentation demonstrating prior abuse.
- (III) Lack of arrest, prosecution, or conviction related to prior incidents shall not alone preclude the court from considering corroborating evidence of abuse.
- (p) Application to family and household members.
- (I) For purposes of this section, “family member or household member” includes individuals related by blood, marriage, adoption, guardianship, or individuals who currently reside or previously resided in the same household as the defendant.
- (II) The provisions of this section shall apply equally where the alleged abuse occurred within a family or household relationship.

SECTION 4. LIMITATIONS.

- (a) This Act does not create a presumption of justification.
- (b) This Act does not authorize retaliatory or punitive violence and applies only where the use of force is motivated by prevention of reasonably anticipated serious bodily injury or death.
- (c) Nothing in this Act shall be construed to eliminate the availability of other affirmative defenses under state law.
- (d) Nothing in this Act shall be construed to limit the prosecution’s ability to challenge the credibility or reliability of evidence presented in support of a self-defense claim.

SECTION 5. STATEWIDE JURY INSTRUCTION STANDARDS.

- (a) The Judicial Branch shall develop uniform jury instructions governing the application of self-defense claims involving patterns of domestic abuse.
- (b) Such instructions shall clarify that reasonableness may be evaluated from the perspective of a person subjected to ongoing abuse and that evidence of sustained abuse may inform a jury’s determination of whether the defendant reasonably believed force was necessary.
- (c) The instructions shall be made publicly available and shall be used by courts throughout the state in cases arising under this Act.
- (d) Courts shall ensure that jury instructions issued under this section emphasize that the existence of past abuse does not automatically justify the use of force and that each case must be evaluated based on the totality of circumstances.

SECTION 5.5. TRAINING.

- (a) The Judicial Branch shall develop educational materials regarding application of self-defense law in cases involving domestic abuse.
- (b) Training shall include trauma-informed evaluation of evidence and survivor behavior.
- (c) Training developed under this section shall include instruction on identifying patterns of coercive control and recognizing barriers that may prevent victims of abuse from seeking assistance.