

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

**INTRODUCED**

LLS NO. 26-0727.01 Amirah Vasquez x2851

**HOUSE BILL 26-022**

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**SENATE SPONSORSHIP**

**Azalea, Daugherty**

**HOUSE SPONSORSHIP**

**Bennett, Cardenas**

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**House Committees**

Not assigned

**Senate Committees**

Not assigned

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**A BILL FOR AN ACT**

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

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**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.

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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, the defendant may assert self-defense where: (I) The  
9 defendant was subjected to a pattern of domestic abuse by the  
10 alleged victim; and (II) The defendant reasonably believed that  
11 the use of force was necessary to prevent serious bodily injury or  
12 death arising from that pattern of abuse. (b) For purposes of this  
13 section, the requirement of “imminent harm” shall not be  
14 interpreted to require that the alleged victim was actively engaged  
15 in physical violence at the precise moment force was used, if: (I)  
16 There is credible evidence of prior abuse; and (II) A reasonable  
17 person in the defendant’s circumstances would believe serious  
18 bodily injury or death was likely to occur in the near future. (c)  
19 Evidence admissible under this section may include: (I) Prior  
20 police reports, protection orders, or criminal convictions; (II)  
21 Medical records documenting injuries; (III) Testimony regarding  
22 threats, coercion, or repeated acts of violence; (IV) Expert  
23 testimony regarding patterns of domestic abuse. (d) The defendant  
24 shall have the burden of producing evidence supporting the claim  
25 under this section. Upon such showing, the prosecution retains the  
26 burden to prove beyond a reasonable doubt that the use of force  
27 was not justified. **SECTION 4. LIMITATIONS.** (a) This Act does  
28 not create a presumption of justification. (b) This Act does not  
29 authorize retaliatory violence or the use of force absent a  
30 reasonable belief of serious bodily injury or death. (c) Nothing in  
31 this Act shall be construed to eliminate the availability of other  
32 affirmative defenses under state law. **SECTION 5. JURY**  
33 **INSTRUCTION.** Courts shall provide appropriate jury

1 instructions explaining that in cases involving documented  
2 domestic abuse, the determination of reasonableness must be  
3 made from the perspective of a person experiencing ongoing  
4 abuse. **SECTION 6. EFFECTIVE DATE.** This Act shall take  
5 effect after the 90 day period following the final adjournment of  
6 the Seventy-Seventh general assembly.