



HOUSE BILL 25-477

BY SENATOR(S) Albert Petty

also REPRESENTATIVE(S) Chelsea Mendoza, Sara Howell, Ricardo Schneider

AMENDING THE STATUTES CONCERNING VALID DEFENSES FOR HOMICIDE

Be it Enacted by the General Assembly in the State of San Andreas,

TITLE	11	Of the San Andreas Revised Statutes "S.A.R.S"
ARTICLE	10	Of the San Andreas Revised Statutes "S.A.R.S"
SECTION	01	Of the San Andreas Revised Statutes "S.A.R.S"

BILL DESCRIPTION:

SECTION 1. SHORT TITLE

This act shall be cited as the "Defense Clarification Act"

SECTION 2. LEGISLATIVE FINDINGS AND INTENT

(a) Findings. The Legislature finds that current state statutes defining the various classifications of murder and homicide lack a unified and clearly articulated framework for valid affirmative defenses, particularly concerning the fundamental rights of self-defense and the established legal principle of insanity. This deficiency can lead to inconsistent application of justice and inadequate protection for individuals who acted without criminal culpability.

(b) Intent. It is the intent of the Legislature to codify and clarify the available affirmative defenses for all classifications of murder and homicide offenses, ensuring that the burden of proof for criminal intent (mens rea)

remains on the prosecution, and that defendants are afforded a clear legal path to acquittal when their actions were justified or resulted from a legally recognized mental incapacity.

SECTION 3. ENACTMENT OF ARTICLE 10 - DEFENSES TO HOMICIDE

A new article is hereby added to Title 11 of the San Andreas Revised Statutes, to be designated as Article 10.

TITLE 11, ARTICLE 10 IS HEREBY CREATED AS FOLLOWS:

§2.11.10, Affirmative Defenses to Homicide Charges

(a) General Applicability. An affirmative defense may be raised by the defendant against any classification of murder or homicide offense, including but not limited to first-degree murder, second-degree murder, and all degrees of manslaughter. Once raised, the defendant shall have the burden of producing evidence to support the defense, after which the prosecution shall bear the burden of proving beyond a reasonable doubt that the defense is invalid.

(b) Self-Defense (Justifiable Homicide).

(I) Defense Defined. A person is justified in using a degree of force, up to and including deadly force, which they reasonably believe is necessary to protect themselves or a third person from the imminent use of unlawful force by another person. The reasonableness of the belief shall be determined from the perspective of a reasonable person in the defendant's position at the time of the alleged offense.

(II) Duty to Retreat. "A person has a duty to retreat if they can do so safely, unless they are in their own dwelling."

(III) Mandatory Reporting and Presence. The affirmative defense of self-defense shall only be taken into consideration if the defendant has not voluntarily and unnecessarily left the scene of the alleged crime without notifying law enforcement or other emergency services, unless the departure was necessary to seek immediate medical attention or to avoid further imminent danger. Failure to remain at the scene, or to return and cooperate with a subsequent investigation, may be used as a factor against the credibility of the self-defense claim but shall not automatically preclude the defense if the prosecution is unable to prove criminal culpability beyond a reasonable doubt.

(c) Defense of Insanity (Lack of mens rea)

(I) Standard. It shall be an affirmative defense to a prosecution for any homicide offense that, at the time of the commission of the act constituting the offense, the defendant, as a result of a severe mental disease or defect, was unable to appreciate the nature and quality or the wrongfulness of their acts.

(II) Procedure. If the defense of insanity is raised, the court shall follow existing statutory procedures concerning notice, examination by court-appointed experts, and disposition upon a finding of “not guilty by reason of insanity” (NGRI). A finding of NGRI shall result in commitment to a state mental health facility for care and treatment, as prescribed by existing law.

—close citation, end of amendments—

SECTION 4. EFFECTIVE DATE

Act subject to petition - effective date. This act takes effect at 12:01 a.m. on the day following the expiration of the ninety-day period after final adjournment of the general assembly; except that, if a referendum petition is filed pursuant to Article II, Section 15 of the state constitution against this act or an item, section, or part of this act within such period, then the act, item, section, or part will not take effect unless approved by the people at the general election to be held in November 2026 and, in such case, will take effect on the date of the official declaration of the vote thereon by the governor.

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Betty Brinkerhoff
PRESIDENT OF THE SENATE

Ashley Arnold
SPEAKER OF THE HOUSE OF
REPRESENTATIVES

Chelsea J. Martinelli
SECRETARY OF THE SENATE

Mary T. Aronson
CLERK OF THE HOUSE OF
REPRESENTATIVES

Isabel R. Payne
GOVERNOR OF THE STATE OF SAN ANDREAS

APPROVED

(Date and Time)

