

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

INTRODUCED

LLS NO. 26-0716.01 Amirah Vasquez x2851

HOUSE BILL 26-011

SENATE SPONSORSHIP

Petty

HOUSE SPONSORSHIP

Mendoza, Howell, Schneider

House Committees

Not assigned

Senate Committees

Not assigned

A BILL FOR AN ACT

CONCERNING CODIFYING VALID DEFENSES FOR HOMICIDE.

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 reintroduces and clarifies statutory affirmative defenses applicable to homicide offenses by establishing a unified legal framework governing claims of self-defense and insanity. The bill is intended to ensure consistent application of the law, clarify evidentiary standards, and reaffirm that the burden of proving criminal intent remains with the prosecution once an affirmative defense is properly raised.

**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.**

The legislation creates a new article within Title 11 of the San Andreas Revised Statutes outlining the standards under which affirmative defenses may be asserted in homicide cases. The bill codifies the legal standard for self-defense, including the reasonable belief requirement and duty to retreat outside one’s dwelling, and clarifies that a defendant’s failure to remain at the scene of an incident does not automatically invalidate a self-defense claim.

Instead of requiring a defendant to remain at the scene, the bill establishes a mandatory reporting requirement requiring individuals asserting self-defense to notify law enforcement or emergency services as soon as reasonably practicable following the incident, unless doing so would create additional danger or prevent necessary medical treatment. Failure to report or cooperate may be considered by a fact finder when evaluating credibility but does not bar the defense if the prosecution cannot prove criminal culpability beyond a reasonable doubt.

The bill also codifies the insanity defense standard for homicide offenses, providing that individuals who, due to a severe mental disease or defect, were unable to appreciate the nature or wrongfulness of their actions may be found not guilty by reason of insanity and committed for treatment under existing law.

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 “Defense Clarification Act.” **SECTION 2. LEGISLATIVE**
5 **FINDINGS AND INTENT.** (a) Findings. The Legislature finds
6 that current state statutes defining the various classifications of
7 murder and homicide lack a unified and clearly articulated
8 framework for valid affirmative defenses, particularly concerning
9 the fundamental rights of self-defense and the established legal
10 principle of insanity. This deficiency can lead to inconsistent
11 application of justice and inadequate protection for individuals
12 who acted without criminal culpability. (b) Intent. It is the intent
13 of the Legislature to codify and clarify the available affirmative
14 defenses for all classifications of murder and homicide offenses,

1 ensuring that the burden of proof for criminal intent (mens rea)
2 remains on the prosecution, and that defendants are afforded a
3 clear legal path to acquittal when their actions were justified or
4 resulted from a legally recognized mental incapacity. It is further
5 the intent of the Legislature to clarify that failure to remain at the
6 scene of an incident shall not automatically invalidate a lawful
7 claim of self-defense, provided that timely reporting requirements
8 are satisfied. **SECTION 3. ENACTMENT OF ARTICLE 10 —**
9 **DEFENSES TO HOMICIDE.** A new article is hereby added to
10 Title 11 of the San Andreas Revised Statutes, to be designated as
11 Article 10. **TITLE 11, ARTICLE 10 IS HEREBY CREATED AS**
12 **FOLLOWS: §2.11.10 — Affirmative Defenses to Homicide**
13 **Charges. (a) General Applicability.** An affirmative defense may be
14 raised by the defendant against any classification of murder or
15 homicide offense, including but not limited to first-degree murder,
16 second-degree murder, and all degrees of manslaughter. Once
17 raised, the defendant shall have the burden of producing evidence
18 to support the defense, after which the prosecution shall bear the
19 burden of proving beyond a reasonable doubt that the defense is
20 invalid. (b) Self-Defense (Justifiable Homicide). (I) Defense
21 Defined. A person is justified in using a degree of force, up to and
22 including deadly force, which they reasonably believe is
23 necessary to protect themselves or a third person from the
24 imminent use of unlawful force by another person. The
25 reasonableness of the belief shall be determined from the
26 perspective of a reasonable person in the defendant's position at
27 the time of the alleged offense. (II) Duty to Retreat. A person has
28 a duty to retreat if they can do so safely, unless they are in their
29 own dwelling. (III) Mandatory Reporting Requirement.
30 A claim of self-defense shall require that the defendant, as soon as
31 reasonably practicable after the incident, notify law enforcement
32 or emergency services of the occurrence, unless doing so would
33 place the individual in continued danger or prevent them from

1 seeking necessary medical attention. Failure to remain at the
2 scene shall not automatically preclude the assertion of
3 self-defense. However, failure to make timely notification or to
4 reasonably cooperate with a subsequent investigation may be
5 considered by the finder of fact when evaluating the credibility of
6 the defense. (c) Defense of Insanity (Lack of Mens Rea). (I)
7 Standard. It shall be an affirmative defense to a prosecution for
8 any homicide offense that, at the time of the commission of the
9 act constituting the offense, the defendant, as a result of a severe
10 mental disease or defect, was unable to appreciate the nature and
11 quality or the wrongfulness of their acts. (II) Procedure.
12 If the defense of insanity is raised, the court shall follow existing
13 statutory procedures concerning notice, examination by
14 court-appointed experts, and disposition upon a finding of “not
15 guilty by reason of insanity” (NGRI). A finding of NGRI shall
16 result in commitment to a state mental health facility for care and
17 treatment, as prescribed by existing law. — close citation, end of
18 amendments — **SECTION 4. EFFECTIVE DATE.** Act subject to
19 petition — effective date. This act takes effect at 12:01 a.m. on
20 the day following the expiration of the ninety-day period after
21 final adjournment of the General Assembly; except that, if a
22 referendum petition is filed pursuant to Article II, Section 15 of
23 the state constitution against this act or an item, section, or part of
24 this act within such period, then the act, item, section, or part will
25 not take effect unless approved by the people at the general
26 election to be held in November 2026 and, in such case, will take
27 effect on the date of the official declaration of the vote thereon by
28 the Governor.