

- VEST FIRST RESPONDER -

## HELP FOR HEROES

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# LOUISIANA

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## Self-Defense Law Reference Guide

*Stand Your Ground | Castle Doctrine (Home, Vehicle, Business) | Self-Defense | First Responder  
Protections | RS 40:2553 Neck Restraint Prohibition*

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### CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

*Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.*

Louisiana's self-defense laws are codified in Title 14 of the Louisiana Revised Statutes (La. R.S.). Louisiana is a Stand Your Ground state with a broad Castle Doctrine covering the home, motor vehicle, and place of business. Louisiana enacted significant police reform in 2021, including RS 40:2553 - a statutory neck restraint prohibition with a great-bodily-harm/deadly-force exception. Louisiana also has standalone assault and battery statutes specifically protecting emergency room and emergency services personnel.

| STATUTE          | SUBJECT MATTER                                                          |
|------------------|-------------------------------------------------------------------------|
| La. R.S. 14:19   | Use of Force or Violence in Defense - Core Standard (Non-Deadly Force)  |
| La. R.S. 14:20   | Justifiable Homicide - Stand Your Ground; Castle Doctrine Presumption   |
| La. R.S. 14:21   | Aggressor Cannot Claim Self-Defense                                     |
| La. R.S. 14:22   | Defense of Others - Third-Person Defense                                |
| La. R.S. 14:34.8 | Battery of Emergency Room Personnel and Emergency Services Personnel    |
| La. R.S. 14:38.5 | Assault on Emergency Room/Emergency Services Personnel (2022)           |
| La. R.S. 40:2553 | Neck Restraint Prohibition - Chokehold and Carotid Hold (2021, Act 430) |
| 2024 Act 729     | Limits Arrest Authority for Persons Asserting Self-Defense              |

## PART I: THE LOUISIANA SELF-DEFENSE STATUTORY FRAMEWORK

### La. R.S. 14:19 - Use of Force in Defense of Person (Non-Deadly Force)

*"The use of force or violence upon the person of another is justifiable when committed for the purpose of preventing a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession, provided that the force or violence used must be reasonable and apparently necessary to prevent such offense." - La. R.S. 14:19*

This statute governs non-deadly force. Louisiana's use-of-force standard requires that force be both reasonable (proportionate to the threat) and apparently necessary (required given the circumstances as the defender reasonably perceived them).

### La. R.S. 14:20 - Justifiable Homicide (Stand Your Ground; Castle Doctrine)

*"A homicide is justifiable: (1) When committed in self-defense by one who reasonably believes that he is in imminent danger of losing his life or receiving great bodily harm and that the killing is necessary to save himself from that danger... (4)(a) When committed by a person lawfully inside a dwelling, a place of business, or a motor vehicle as defined in R.S. 32:1(40), when the conflict began, against a person who is attempting to make an unlawful entry into the dwelling, place of business, or motor vehicle, or who has made an unlawful entry into the dwelling, place of business, or motor vehicle, and the person using the force or violence reasonably believes that the use of force or violence is necessary to prevent the entry or to compel the intruder to leave... A person who is not engaged in unlawful activity and who is in a place where that person has a right to be shall have no duty to retreat before using force or violence as provided for in this Paragraph and may stand his ground and meet force with force." - La. R.S. 14:20(A)(1), (4)(a), (B)*

La. R.S. 14:20 is Louisiana's combined Stand Your Ground and Castle Doctrine statute. Subsection (B) explicitly removes any duty to retreat for persons not engaged in unlawful activity in places where they have a right to be. Subsection (A)(4) creates Castle Doctrine protections with a presumption of reasonable belief for dwelling, place of business, and motor vehicle.

#### **LOUISIANA CASTLE DOCTRINE - THREE PROTECTED LOCATIONS:**

- Dwelling - home, apartment, or residential structure.
- Place of Business - fire station, EMS base, hospital, or any commercial/workplace setting.
- Motor Vehicle - ambulance, fire apparatus, personal vehicle when occupied.
- Presumption of reasonableness when an intruder is unlawfully entering or has entered any of these three locations.

#### **FOR FIRST RESPONDERS:**

La. R.S. 14:20(B)'s no-duty-to-retreat provision applies everywhere a first responder is lawfully deployed. An EMS provider or firefighter at any emergency scene, in their ambulance, or at their station has no legal obligation to retreat before using justified force. Louisiana's three-location Castle Doctrine - covering dwelling, place of business, and motor vehicle - gives first responders comprehensive protection across their entire operational environment.

#### **La. R.S. 14:22 - Defense of Others**

Louisiana explicitly authorizes the use of force to protect a third person when it is reasonably apparent the person attacked could have justifiably used such means themselves, and the intervention is reasonably believed necessary. VEST Level III partner defense training is directly grounded in this statute. Louisiana's defense-of-others standard applies the same reasonableness and proportionality requirements as self-defense.

#### **La. R.S. 14:21 - Aggressor Cannot Claim Self-Defense**

A person who provokes or initiates a confrontation cannot claim self-defense under Louisiana law unless they first clearly withdraw from the confrontation and communicate that withdrawal to the other party, and the other party continues to pursue the conflict. This is the initial-aggressor limitation that applies in all Louisiana self-defense contexts.

## **PART II: DUTY TO RETREAT - LOUISIANA'S POSITION**

Louisiana has NO duty to retreat. La. R.S. 14:20(B) explicitly states that a person 'not engaged in unlawful activity' who 'is in a place where that person has a right to be shall have no duty to retreat before using force or violence' and 'may stand his ground and meet force with force.'

- No retreat required anywhere a person is lawfully present and not engaged in unlawful activity.
- Castle Doctrine presumption covers dwelling, place of business, and motor vehicle.
- 2024 Act 729 limits arrest authority for persons asserting self-defense claims - early procedural protection.
- Exception: Initial aggressors cannot claim the no-retreat right without clear withdrawal and communication.
- Exception: The Castle Doctrine presumption does not apply when force is used during drug trafficking.

## **PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS**

### La. R.S. 14:34.8 - Battery of Emergency Room Personnel, Emergency Services Personnel, or Healthcare Professional

Louisiana creates a standalone battery statute specifically covering emergency room personnel and emergency services personnel. Battery of these protected persons is classified as a crime of violence and carries elevated penalties. 'Emergency services personnel' includes firefighters, EMTs, paramedics, and other emergency medical care providers engaged in their official duties.

- Classified as a Crime of Violence under La. R.S. 14:2(B) - significant for sentencing purposes.
- Covers firefighters, EMTs, paramedics, and emergency medical care providers by explicit definition.
- Enhanced penalties above standard battery for attacks on covered personnel.

### La. R.S. 14:38.5 - Assault on Emergency Room/Emergency Services Personnel (2022)

Louisiana enacted La. R.S. 14:38.5 in 2022, creating a specific assault statute for emergency room and emergency services personnel. A person convicted of assault on these protected persons faces imprisonment from 30 days to 180 days. While the penalty appears modest, this standalone statute ensures that even threatened violence against EMS and ER personnel is specifically criminalized - not just actual battery.

#### LOUISIANA'S FIRST RESPONDER PROTECTION FRAMEWORK:

Louisiana's combination of enhanced battery penalties (La. R.S. 14:34.8) and a standalone assault statute (La. R.S. 14:38.5) for emergency services personnel creates legal accountability at both the threat level and the contact level. The 'crime of violence' designation under 14:34.8 has significant sentencing implications beyond the base penalty.

## PART IV: POLICE USE OF FORCE - RS 40:2553 NECK RESTRAINT PROHIBITION (2021)

### La. R.S. 40:2553 - Neck Restraint Prohibition (Act 430, 2021)

*"The use of choke holds and carotid holds are prohibited, except when the officer reasonably believes he or another person is at risk of great bodily harm or when deadly force is authorized." - La. R.S. 40:2553*

Louisiana enacted this statutory neck restraint prohibition in 2021 as Act 430. The statute covers both respiratory chokeholds and carotid holds under a single provision with a unified exception: the techniques are permitted when the officer reasonably believes they or another person is at risk of great bodily harm, OR when deadly force is authorized.

#### KEY FEATURES OF LOUISIANA'S RS 40:2553:

- Covers BOTH chokeholds (respiratory restriction) AND carotid holds (blood flow restriction) - unlike Missouri (respiratory only) and Nebraska (separate standards).
- Single unified standard: great bodily harm risk OR deadly force authorized.
- 'Great bodily harm' standard is BROADER than a pure deadly-force-only threshold - an officer can use these techniques when facing risk of great bodily harm even if deadly force is not yet authorized.
- Applies statewide to all Louisiana law enforcement officers.
- No criminal penalty provision in the statute itself - enforcement is through POST certification and departmental policy.

## LOUISIANA COMPARED TO OTHER STATES IN THIS SERIES:

- Louisiana: Great bodily harm risk OR deadly force (broader than pure deadly-force-only states).
- Colorado: COMPLETE BAN - no exceptions for any circumstances (strictest in the series).
- Delaware: Class D/C Felony for unauthorized use (strongest criminal enforcement).
- Nebraska: Dual-track - separate standards for chokehold vs. carotid hold.
- Kansas, Kentucky: No statewide statutory ban.

### FIRST RESPONDERS VS. LAW ENFORCEMENT:

La. R.S. 40:2553 applies ONLY to law enforcement officers. Louisiana EMS and fire personnel acting in personal self-defense are governed by the civilian La. R.S. 14:19 and 14:20 framework. A Louisiana paramedic defending their life against a violent attack is evaluated under La. R.S. 14:20 only. There is no statutory restriction on civilian Louisiana first responders using any defensive technique in genuine life-safety self-defense.

## PART V: APPLYING VEST PRINCIPLES UNDER LOUISIANA LAW

### 1. Stand Your Ground Covers All Lawful Locations - Including Every EMS Scene

La. R.S. 14:20(B) removes the duty to retreat from every location where a first responder is lawfully present. VEST training reinforces this right through the graduated force continuum and scenario-based decision making.

### 2. Triple-Location Castle Doctrine - Ambulance, Station, and Patient Home

La. R.S. 14:20(A)(4)'s Castle Doctrine covers dwelling, place of business, and motor vehicle - three locations that encompass the full operational environment of EMS and fire responders. VEST compartment security and station security protocols directly support these legal protections.

### 3. The RS 40:2553 Framework Is Critical for Joint Training

Louisiana's RS 40:2553 covers both chokeholds and carotid holds under a 'great bodily harm or deadly force' standard. When VEST delivers joint agency training with Louisiana law enforcement, this statute requires explicit discussion. The 'great bodily harm' threshold is slightly broader than a pure deadly-force-only standard - officers can apply these techniques when facing great bodily harm risk even before the full deadly force threshold is met. Civilian first responders are not bound by this statute.

### 4. De-Escalation Is Both Ethical and Legally Sound

Louisiana's 'reasonably believes... necessary' standard requires genuine proportionality. VEST Level I de-escalation curriculum documents that force became necessary only after alternatives were exhausted. The initial-aggressor limitation in La. R.S. 14:21 means that any provider who appears to have instigated or escalated the confrontation loses the self-defense claim - making professional restraint and de-escalation both ethically important and legally essential.

### 5. Partner Defense - Same Standard as Self-Defense

La. R.S. 14:22 authorizes force to protect another person under the same standards as self-defense. VEST Level III partner defense training is directly grounded in this statute.

## 6. Know When Force Ends

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Louisiana's force standard requires that force be 'reasonably apparently necessary' - once the threat is neutralized, the necessity ends. VEST's continuous threat reassessment curriculum is both operationally and legally essential in Louisiana.

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### LEGAL DISCLAIMER

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