

(I) FIRST DEGREE MURDER, SECOND DEGREE MURDER, MANSLAUGHTER, MAIMING, OR ATTEMPT TO COMMIT ANY OF THESE CRIMES; OR

(II) ASSAULT WITH INTENT TO MURDER OR MAIM;

~~(III) ASSAULT; OR~~

~~(IV) BATTERY.~~

~~(B) SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, WHERE A DEFENDANT RAISES SELF DEFENSE, IMPERFECT SELF DEFENSE, OR DEFENSE OF OTHERS, AND OFFERS THE FOLLOWING EVIDENCE, A COURT MAY ADMIT:~~

(B) NOTWITHSTANDING EVIDENCE THAT THE DEFENDANT WAS THE FIRST AGGRESSOR, USED EXCESSIVE FORCE, OR FAILED TO RETREAT AT THE TIME OF THE ALLEGED OFFENSE, WHEN THE DEFENDANT RAISES THE ISSUE THAT THE DEFENDANT WAS, AT THE TIME OF THE ALLEGED OFFENSE, SUFFERING FROM THE BATTERED SPOUSE SYNDROME AS A RESULT OF THE PAST COURSE OF CONDUCT OF THE INDIVIDUAL WHO IS THE VICTIM OF THE CRIME FOR WHICH THE DEFENDANT HAS BEEN CHARGED, THE COURT MAY ADMIT FOR THE PURPOSE OF EXPLAINING THE DEFENDANT'S MOTIVE OR STATE OF MIND, OR BOTH, AT THE TIME OF THE COMMISSION OF THE ALLEGED OFFENSE:

(1) EVIDENCE OF REPEATED PHYSICAL AND PSYCHOLOGICAL ABUSE OF THE DEFENDANT PERPETRATED BY AN INDIVIDUAL WHO IS ~~ALLEGED TO BE~~ THE VICTIM OF A CRIME FOR WHICH THE DEFENDANT HAS BEEN CHARGED; AND

(2) EXPERT TESTIMONY ON THE BATTERED SPOUSE SYNDROME.

~~(C) NOTWITHSTANDING EVIDENCE THAT THE DEFENDANT WAS THE FIRST AGGRESSOR, USED EXCESSIVE FORCE, OR FAILED TO RETREAT AT THE TIME OF THE ALLEGED OFFENSE, SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, A COURT MAY ADMIT EVIDENCE UNDER SUBSECTION (B) OF THIS SECTION.~~

~~(D) IN THE EVENT THE COURT EXCLUDES THE EVIDENCE PERMITTED UNDER SUBSECTION (B)(1) AND (2) OF THIS SECTION, THE COURT SHALL STATE WITH PARTICULARITY THE REASONS FOR ITS EXCLUSION.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1991.

Approved May 14, 1991.