Not every death caused by another person is a crime.
In fact, under California law, there are certain situations where a fatal incident—though tragic—may be legally considered **an accident**, and the person responsible may not face any criminal charges.

This is known as **excusable homicide**.

So what does that actually mean?

Excusable homicide applies when someone unintentionally causes the death of another person while doing something legal—and doing it with reasonable care.
To use this defense, three things must be true:

1. The killing was accidental, or it happened during a lawful act.

2. The person acted with **ordinary caution**—the kind of care a reasonable person would show.

3. There was no criminal intent or recklessness involved.

If those three elements are met, then legally—it's **not** considered a crime.

Let's look at some everyday examples where this defense might apply:

- A gun accidentally discharges while someone is lawfully cleaning or handling it.

- A driver causes a fatal crash but was following all traffic laws and being careful.

- A person dies during a lawful activity like sports or construction, where there was **no negligence** involved.

Now, a key legal phrase here is **"usual and ordinary caution."**
That just means the person acted the way a reasonable person would under the same circumstances.

The law draws a clear line between a true accident and **criminal negligence**—which is what you need for charges like involuntary manslaughter.

So who has to prove what?

As with most homicide defenses, the burden is on the **prosecution**.
They have to prove—**beyond a reasonable doubt**—that the death wasn't accidental.
If they *can't*, then the defendant must be acquitted.

Now let's talk about the difference between **excusable homicide** and **involuntary manslaughter**—because they sound similar, but they're not the same.

Excusable homicide means there was little to **no negligence**. The person was careful, lawful, and didn't mean to harm anyone.

Involuntary manslaughter, on the other hand, usually involves **criminal negligence** or doing something illegal—*even if* there was no intent to kill.

Sometimes both defenses are presented together in court, to help the jury figure out if the case was a tragic accident—or a criminal act.

You might be wondering: can this defense be used in **self-defense** situations?

Traditionally, the courts said no—because self-defense usually implies intentional action.
But that view has evolved.

Today, a defendant can argue that a gun accidentally discharged during **lawful self-defense**—say, during a struggle. In those cases, both **self-defense** and **excusable homicide** may be used to explain what happened.

So why does this defense matter?

Because it acknowledges something important:
Not every death is a crime.

When someone is acting lawfully, without intent to harm, and with reasonable care—California law allows for a full defense.
That's what excusable homicide is designed to protect.