

HB 1375 -- Defensive Use of Force

Sponsor: Munzlinger

This bill creates a presumption that a person using defensive force that is intended or is likely to cause great bodily harm to another person had reasonable fear of imminent peril of death or great bodily harm if the person against whom the defensive force was used was unlawfully and forcefully entering or removing a person against his or her will from a dwelling, residence, or occupied vehicle. The presumption is also created when the person who used defensive force had reason to believe that an unlawful and forcible act was occurring or had occurred. The presumption justifies the force used by the person and allows immunity from criminal prosecution for the use of this force.

The presumption does not apply if: (1) the person against whom the defensive force was used has a right to be in the dwelling, residence, or vehicle; (2) the person sought to be removed is a child or grandchild of the person against whom the defensive force is used; (3) the person who used defensive force is engaged in an unlawful activity; or (4) the person against whom the defensive force is used is a law enforcement officer performing his or her duties.