

HCS HB 1461, 1375, 1110 & 1103 -- DEFENSIVE USE OF FORCE
(Ruestman)

COMMITTEE OF ORIGIN: Special Committee on General Laws

This substitute allows the justifiable use of deadly force in several new circumstances against persons who pose what a reasonable person would believe to be the imminent threat of harm. The duty to retreat is abolished for those persons using deadly force to prevent someone from unlawfully entering or remaining in a residence, a dwelling designed for lodging persons, or a vehicle. Anyone who takes actions that create a reasonable fear of the imminent use of unlawful force in another person and who unlawfully enters or remains in vehicles, residences, or buildings used for lodging may be subject to the legitimate use of deadly force.

The use of deadly force will be allowed for persons, in any location, in order to protect themselves against what a reasonable person would believe to be the imminent threat of any type of forcible felony. Currently, the use of deadly force that a reasonable person believes is necessary to prevent death, serious bodily injury, and other specified felonies is allowed.

Anyone who uses force in a lawful manner will be immune from both civil and criminal penalties. If anyone sues a person who is ultimately found to have acted lawfully in using defensive force, the plaintiff and his or her attorney must pay court costs and any expenses incurred by the defendant as a result of the lawsuit.

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.