

HCS SCS SB 62 & 41 -- DEFENSIVE USE OF FORCE AND FIREARMS

SPONSOR: Goodman (Ruestman)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 7 to 1.

This substitute changes the laws regarding the defensive use of force and firearms. In its main provisions, the substitute:

- (1) Allows individuals to defend themselves from an imminent attack as long as the person using defensive force has a right to be in the area where he or she is threatened or attacked;
- (2) Allows individuals to use deadly force against those who unlawfully enter dwellings, residences, and vehicles. The substitute does not allow the use of deadly force against anyone who has a legal right to enter a dwelling, residence, or vehicle including those who are not subject to a restraining order prohibiting them from entering these places; anyone seeking to remove his or her child or grandchild or any other minor over whom he or she has legal custody from a dwelling, residence, or vehicle; or anyone who is known or should reasonably be known by the person using defensive force to be a police officer;
- (3) Creates an exemption to the general rule that deadly force may be used to defend against individuals illegally entering dwellings, residences, and vehicles if the person using defensive force is engaged in an unlawful activity or is using the dwelling, residence, or vehicle for unlawful purposes;
- (4) Allows remedies including the award of attorney fees for anyone acquitted of civil or criminal wrongdoing because he or she engaged in legitimate self defense as specified in the substitute;
- (5) Makes state restrictions on the transfer of concealable firearms identical to the federal restrictions. The penalty for an illegal transfer of concealable firearms is reduced from a class A misdemeanor to an infraction punishable by a fine of not more than \$100. The permit requirement for the purchase of a concealable firearm is repealed; and
- (6) Allows police or sheriffs' departments to sell or trade certain confiscated firearms to licensed firearms dealers and exempts federal flight deck officers from the crime of unlawful use of weapons under certain circumstances.

FISCAL NOTE: No impact on state funds in FY 2008, FY 2009, and FY 2010.

PROPONENTS: Supporters say that the bill changes the common law doctrine that requires a duty to retreat in situations where an individual is breaking into another person's home. Families need the legal right to protect themselves from criminal invasions.

Testifying for the bill were Senator Goodman; Daniel Smith; Tim Oliver; Stuart Strickler; Don Gaikins, Sr.; and National Rifle Association of America.

OPPONENTS: There was no opposition voiced to the committee.