



WORKING DRAFT

General Assembly

Raised Bill No.

No. 14

09957 _____ JUD

Referred to Committee on

Introduced by:
(JUD)

***AN ACT CONCERNING THE JUSTIFIABLE USE OF DEADLY FORCE
IN DEFENSE OF PREMISES.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-20 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) A person in possession or control of premises, or a person who is
4 licensed or privileged to be in or upon such premises, is justified in
5 using reasonable physical force upon another person when and to the
6 extent that [he] such person reasonably believes such to be necessary to
7 prevent or terminate the commission or attempted commission of a
8 criminal trespass by such other person in or upon such premises; but
9 [he] such person may use deadly physical force under such
10 circumstances only (1) in defense of a person as prescribed in section
11 53a-19, as amended by this act, or (2) when [he] such person
12 reasonably believes such to be necessary to prevent an attempt by the
13 trespasser to commit arson or any crime of violence, or (3) to the extent
14 that [he] such person reasonably believes such to be necessary to
15 prevent or terminate an unlawful or forcible entry [by force into his]
16 into such person's dwelling, as defined in section 53a-100, [or] place of

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17 work or occupied vehicle, and for the sole purpose of such prevention
18 or termination, or (4) to the extent that such person reasonably believes
19 such to be necessary to prevent or terminate the unlawful removal of
20 another person against such other person's will from such person's
21 dwelling, as defined in section 53a-100, or occupied vehicle, and for the
22 sole purpose of such prevention or termination.

23 (b) Any person whose use of deadly physical force is justified under
24 subsection (a) of this section shall be immune from civil or criminal
25 liability for such use.

26 Sec. 2. Section 53a-19 of the general statutes is repealed and the
27 following is substituted in lieu thereof (*Effective from passage*):

28 (a) Except as provided in subsections (b) and (c) of this section, a
29 person is justified in using reasonable physical force upon another
30 person to defend himself or herself or a third person from what he or
31 she reasonably believes to be the use or imminent use of physical force,
32 and he or she may use such degree of force which he or she reasonably
33 believes to be necessary for such purpose; except that deadly physical
34 force may not be used unless the actor reasonably believes that such
35 other person is (1) using or about to use deadly physical force, or (2)
36 inflicting or about to inflict great bodily harm.

37 (b) Notwithstanding the provisions of subsection (a) of this section,
38 a person is not justified in using deadly physical force upon another
39 person if he or she knows that he or she can avoid the necessity of
40 using such force with complete safety (1) by retreating, except that the
41 actor shall not be required to retreat if he or she is in his or her
42 dwelling, as defined in section 53a-100, [or] place of work or vehicle
43 and was not the initial aggressor, or if he or she is a peace officer or a
44 special policeman appointed under section 29-18b or a private person
45 assisting such peace officer or special policeman at his or her direction,
46 and acting pursuant to section 53a-22, or (2) by surrendering
47 possession of property to a person asserting a claim of right thereto, or
48 (3) by complying with a demand that he or she abstain from

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49 performing an act which he or she is not obliged to perform.

50 (c) Notwithstanding the provisions of subsection (a) of this section,
51 a person is not justified in using physical force when (1) with intent to
52 cause physical injury or death to another person, he or she provokes
53 the use of physical force by such other person, or (2) he or she is the
54 initial aggressor, except that [his] the actor's use of physical force upon
55 another person under such circumstances is justifiable if [he] the actor
56 withdraws from the encounter and effectively communicates to such
57 other person [his] the actor's intent to do so, but such other person
58 notwithstanding continues or threatens the use of physical force, or (3)
59 the physical force involved was the product of a combat by agreement
60 not specifically authorized by law.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	53a-20
Sec. 2	<i>from passage</i>	53a-19

Statement of Purpose:

To provide protection to individuals who use deadly force to protect themselves or members of their household against an intruder who has illegally entered their occupied premises.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]