



OLR RESEARCH REPORT

November 9, 2007

2007-R-0650

**PROPOSAL 14:
AN ACT CONCERNING THE JUSTIFIABLE USE OF DEADLY FORCE IN
DEFENSE OF PREMISES**

By: Susan Price, Principal Analyst

You asked us to summarize Proposal 14: *AAC The Justifiable Use of Deadly Force in Defense of Premises* for the Judiciary Committee public hearing scheduled for November 27, 2007.

SUMMARY

This bill expands the circumstances under which a person is justified in using deadly physical force in defense of property. It also makes a person who justifiably uses deadly physical force in these circumstances immune from criminal prosecution and civil lawsuits for money damages.

The bill is effective upon passage.

DEADLY PHYSICAL FORCE

Under current law, people in possession or control of premises, or those permitted to be present on them, may use deadly physical force to prevent or stop the commission or attempted commission of a criminal trespass in the following circumstances:

1. in self-defense or to defend someone else if the actor reasonably believes the attacker is (a) using or about to use deadly physical force or (b) about to inflict great bodily harm; or

2. when the actor reasonably believes it is necessary to (a) prevent a trespasser from committing arson or a violent crime or (b) for the sole purpose of preventing or stopping an unlawful, forced entry into his or her dwelling or place of business.

The bill makes the use of deadly physical force justified when the actor reasonably believes it is necessary and uses it for the sole purpose of preventing or stopping (1) an unlawful, forced entry into his or her occupied vehicle or (2) the unlawful removal of another person from that person's dwelling or vehicle against his or her will.

By law, the defense of justification is not available if the actor knew that he or she could safely (1) retreat, (2) surrender possession of the property to a person asserting a claim of right, or (3) comply with a demand that he or she abstain from performing a voluntary act. But the actor need not retreat from confrontations involving his or her dwelling or business, so long as he or she was not the initial aggressor. The bill extends this exemption to confrontations involving the actor's occupied vehicle.

SP:ts