

COALITION OF CONNECTICUT SPORTSMEN

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Testimony presented to the JUDICIARY COMMITTEE

IN SUPPORT of S.B. No. 1210 (RAISED) AN ACT CONCERNING THE USE OF DEADLY PHYSICAL FORCE TO DEFEND THE RESIDENTS OF A HOME.

by Robert T. Crook, Director

03/24/11

We applaud the Committee's action to initiate changes to the "Castle Doctrine" or "Defense of Habitation Law."

While this is not a complete adoption of the "Castle Doctrine", it does clarify prevalent misinformation concerning defense of ones home or place of business and is consistent with Sec. 53a-19. Use of physical force in defense of person. (b)... a person is not justified in using deadly physical force upon another person if he or she knows that he or she can avoid the necessity of using such force with complete safety (1) by retreating, except that the actor shall not be required to retreat if he or she is in his or her dwelling, as defined in section 53a-100, or place of work

Does the "presumption of belief" that the use of deadly force is necessary and "is a reasonable belief" absolve the person, after investigation that other statutes have not been violated, from arrest or prosecution for using such force? We would suggest **temporary Immunity from criminal prosecution** where in cases of justifiable use of deadly force, police may investigate but not arrest unless they find probable cause that the force used was unlawful.

Will the person, after investigation and found in adherence to the law, be allowed complete immunity, including future civil suits brought forth by the intruder and/or the intruder's family?

If not, we would suggest an amendment which provides **Immunity from civil action** a plaintiff (e.g. the intruder or family of the perpetrator) be barred from civil action for damages/injury resulting from the shooting and may be required to pay attorney's fees and court costs from bringing such action on behalf of the assailant. Without this clause, it is possible for an assailant to sue for medical bills, property damage, disability, and pain and suffering as a result of the injuries inflicted by the shooter, or for their next-of-kin to sue for wrongful death in the case of a shooting fatality. Even if successfully refuted, the defendant (the homeowner/shooter) must often pay thousands of dollars in legal costs as a result of such lawsuits, and thus without immunity, such civil action could be used for revenge against a shooter acting lawfully.

Exceptions to this civil immunity should be situations of excessive force, where the shooter fired on a subdued, cooperative, or disabled assailant. A situation meeting this exception should generally invalidate the criminal "castle defense" as well.

We urge Support of the bill and serious consideration of our suggested amendments.