



## State of Connecticut

### SENATE

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Senator Coleman, Representative Fox, and distinguished members of the Judiciary Committee,

I am State Senator Michael McLachlan, and I submit this testimony in support of Senate Bill 1210, *An Act Concerning the Use of Deadly Physical Force to Defend the Residents of a Home*.

This legislation establishes circumstances under which a person can use physical force and deadly physical force in order to defend themselves or others without being convicted of assault, manslaughter, or murder.

The concept for this legislation was originally Senate Bill 353, which I introduced. The committee has since taken the same thoughts and raised them as a committee bill – the language we have before us today.

Under this statute, a person would be able to use reasonable physical force on another person in order to defend themselves or another from what the defender “reasonably believes” to be the use of imminent use of physical force. Additionally, the defender can use the degree of force they reasonably believe is necessary to defend themselves.

The law establishes special rules for using deadly force to defend one’s self or another person. Specifically, the law prohibits anyone from using such force unless they (1) reasonably believe that the attacker is using or about to use deadly force physical force and (2) knows they cannot avoid the need to use deadly force by retreating. The law specifies that a person does not have to retreat before using deadly force if they are in their dwelling or workplace.

The difference between this law and the “Castle Doctrine” in other states is that we do not automatically grant immunity from arrest and/or prosecution to those who use deadly force. Additionally, our law allows a person charged with a crime of defending themselves to present evidence that they needed to exert that force in order to protect themselves – a “rebuttable presumption.” Once made, the state must offer evidence that shows that the force was not necessary, or was too great in response to the threat presented. Unless the state can prove that the force was used was unwarranted, the person charged may not be convicted.

Such legislation has been introduced in recent sessions, however has never been brought this far in the legislative process. I look forward to this being the year when we are finally able to bring this bill to a vote to ensure that citizens of Connecticut have the ability to defend themselves properly in their own homes.

Thank you.