

1 State of Arkansas
2 90th General Assembly
3 Regular Session, 2015
4

A Bill

HOUSE BILL 1203

5 By: Representative Hammer
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For An Act To Be Entitled

8 AN ACT CONCERNING THE USE OF DEADLY PHYSICAL FORCE IN
9 DEFENSE OF A PERSON; AND FOR OTHER PURPOSES.
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Subtitle

11 CONCERNING THE USE OF DEADLY PHYSICAL
12 FORCE IN DEFENSE OF A PERSON.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 5-2-607 is amended to read as follows:
20 5-2-607. Use of deadly physical force in defense of a person.

21 (a) A person is justified in using deadly physical force upon another
22 person if the person reasonably believes that the other person is:

23 (1) Committing or about to commit a felony involving force or
24 violence;

25 (2) Using or about to use unlawful deadly physical force; or

26 (3) Imminently endangering the person's life or imminently about
27 to victimize the person as described in § 9-15-103 from the continuation of a
28 pattern of domestic abuse.

29 (b) A person may not use deadly physical force in self-defense if the
30 person knows that he or she can avoid the necessity of using deadly physical
31 force with complete safety:

32 (1)(A) By retreating.

33 (B) However, a person is not required to retreat if the
34 person is:

35 (i) ~~In the person's dwelling or on the curtilage~~
36 ~~surrounding the person's dwelling~~ On premises in which the person has a



1 property interest and was not the original aggressor; or

2 (ii) A law enforcement officer or a person assisting
3 at the direction of a law enforcement officer; or

4 (2) By surrendering possession of property to a person claiming
5 a lawful right to possession of the property.

6 (c) As used in this section+,

7 ~~(1) "Curtilage" means the land adjoining a dwelling that is~~
8 ~~convenient for residential purposes and habitually used for residential~~
9 ~~purposes, but not necessarily enclosed, and includes an outbuilding that is~~
10 ~~directly and intimately connected with the dwelling and in close proximity to~~
11 ~~the dwelling; and~~

12 (2) "Domestic domestic abuse" means:

13 ~~(A)(1)~~ Physical harm, bodily injury, assault, or the infliction
14 of fear of imminent physical harm, bodily injury, or assault between family
15 or household members; or

16 ~~(B)(2)~~ Any sexual conduct between family or household members,
17 whether minors or adults, that constitutes a crime under the laws of this
18 state.

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