

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

As Engrossed: H3/13/15

A Bill

HOUSE BILL 1203

5 By: Representatives Hammer, *Wardlaw*
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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) Unable to retreat with complete safety;*

36 ~~*(i)*~~ *(ii) In the person's dwelling or on the curtilage*



1 surrounding the person's dwelling and was not the original aggressor; or
2 ~~(ii)~~(iii) A law enforcement officer or a person
3 assisting at the direction of a law enforcement officer; or

4 (2) ~~By~~ With complete safety by surrendering possession of
5 property to a person claiming 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 abuse" means:

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

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

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20 /s/Hammer
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