

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

HOUSE BILL

4 **By: Representatives Fairchild and M. Wilson**

5

6

7

For An Act To Be Entitled

8 "AN ACT GRANTING IMMUNITY FROM CRIMINAL PROSECUTION AND
9 CIVIL LIABILITY TO OCCUPANTS OF DWELLINGS USING DEADLY
10 PHYSICAL FORCE; AND FOR OTHER PURPOSES."

11

12 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

13

14 SECTION 1. (a) The General Assembly hereby recognizes that the
15 citizens of Arkansas have a right to expect absolute safety within their own
16 homes.

17 (b) Notwithstanding the provisions of any law to the contrary, any
18 occupant of a dwelling is justified in using any degree of physical force,
19 including deadly physical force, against another person when that other person
20 has made an unlawful entry into the dwelling and when the occupant has a
21 reasonable belief that such other person has committed a crime in the dwelling
22 in addition to the uninvited entry, or is committing or intends to commit a
23 crime against a person or property in addition to the uninvited entry, and
24 when the occupant reasonably believes that such other person might use any
25 physical force, no matter how slight, against any occupant.

26 (c) Any occupant of a dwelling using physical force, including deadly
27 physical force, in accordance with the provisions of subsection (b) of this
28 section shall be entitled to a defense in a criminal prosecution for the use
29 of such force.

30 (d) Any occupant of a dwelling using physical force, including deadly
31 physical force, in accordance with the provisions of subsection (b) of this
32 section shall be entitled to a defense from any civil liability for injuries
33 or death resulting from the use of such force.

34

35 SECTION 2. This act shall apply to acts committed on or after the

1 effective date of this act.

2

3 SECTION 3. All provisions of this act of a general and permanent nature
4 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
5 Revision Commission shall incorporate the same in the Code.

6

7 SECTION 4. If any provision of this act or the application thereof to
8 any person or circumstance is held invalid, such invalidity shall not affect
9 other provisions or applications of the act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

12

13 SECTION 5. All laws and parts of laws in conflict with this act are
14 hereby repealed.

15

16

17

18

19

20

21

22

23

24

25

26

27

28

29

30

31

32

33

34

35

1

2