

1 State of Arkansas *As Engrossed: H3/13/15 S3/19/15*

2 90th General Assembly

A Bill

3 Regular Session, 2015

HOUSE BILL 1203

4

5 By: Representatives Hammer, Wardlaw

6 By: Senator J. Hutchinson

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For An Act To Be Entitled

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

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Subtitle

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CONCERNING THE USE OF DEADLY PHYSICAL
15 FORCE IN DEFENSE OF A PERSON.

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

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SECTION 1. Arkansas Code § 5-2-607 is amended to read as follows:

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5-2-607. Use of deadly physical force in defense of a person.

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

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*(1) Committing or about to commit a felony involving force or
25 violence;*

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

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

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

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(1)(A) By retreating.

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*(B) However, a person is not required to retreat if the
35 person is:*

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(i) Unable to retreat with complete safety;



1 ~~(i)~~(ii) In the person’s dwelling or on the curtilage
2 surrounding the person’s dwelling and was not the original aggressor; or

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

5 (2) ~~By~~ With complete safety by surrendering possession of
6 property to a person claiming a lawful right to possession of the property.

7 (c) As used in this section:

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

13 (2) “Domestic abuse” means:

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

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

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/s/Hammer