

ARKANSAS SENATE
86th General Assembly - Regular Session, 2007
Amendment Form

Subtitle of Senate Bill No. 2

"AN ACT TO REMOVE THE DUTY TO RETREAT PRIOR TO THE USE OF DEADLY
PHYSICAL FORCE UNDER CERTAIN CIRCUMSTANCES."

Amendment No. 1 to Senate Bill No. 2.

Amend Senate Bill No. 2 as originally introduced:

Add Senators Altes, Baker, Critcher, Faris, Hendren, Laverty, T. Smith, R. Thompson, Whitaker, and Wilkinson as cosponsors of the bill

AND

Delete everything after the enacting clause and substitute the following:

"SECTION 1. Arkansas Code § 5-2-607 is amended to read as follows:
5-2-607. Use of deadly physical force in defense of a person.

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

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

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

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

(B) As used in this section, "domestic abuse" means the same as defined in § 9-15-103.

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

(1)(A) By retreating.

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

(i) In the person's dwelling or on the curtilage surrounding the person's dwelling and was not the original aggressor; or

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

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

(c) As used in this section, "curtilage" means the land adjoining a



dwelling that is convenient for family purposes and habitually used for family purposes, but not necessarily enclosed, and includes an outbuilding that is directly and intimately connected with the dwelling and in close proximity to the dwelling."

The Amendment was read the first time, rules suspended and read the second time and _____

By: Senator J. Taylor

GRH/YTC - 01-30-2007 16:24

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Secretary