

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

A Bill

SENATE BILL 555

4
5 By: Senators Boozman and Jeffries

For An Act To Be Entitled

9 "AN ACT TO FURTHER DEFINE WHEN THE USE OF PHYSICAL FORCE
10 OR DEADLY PHYSICAL FORCE IS JUSTIFIED TO PROTECT PROPERTY;
11 AND FOR OTHER PURPOSES."

Subtitle

14 "TO FURTHER DEFINE WHEN THE USE OF
15 PHYSICAL FORCE OR DEADLY PHYSICAL FORCE
16 IS JUSTIFIED TO PROTECT PROPERTY"

17
18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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20 SECTION 1. (a) A person in lawful possession of real property or
21 tangible, movable property is justified in using physical force other than
22 deadly physical force against another when and to the degree the actor
23 reasonably believes the physical force is immediately necessary to prevent or
24 terminate the others trespass on the land or unlawful interference with the
25 property.

26 (b) A person unlawfully dispossessed of real property or tangible,
27 movable property by another is justified in using physical force other than
28 deadly physical force against the other when and to the degree the actor
29 reasonably believes the physical force is immediately necessary to reenter the
30 real property or recover the tangible, movable property if the actor uses the
31 force immediately or in fresh pursuit after the dispossession and:

32 (1) the actor reasonably believes the other had no claim of right
33 when he dispossessed the actor; or

34 (2) the other accomplished the dispossession by using physical
35 force, threat, or fraud against the actor.

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1 SECTION 2. A person is justified in using deadly physical force against
2 another to protect real property or tangible, movable property:

3 (1) if he would be justified in using physical force against the other
4 under Section 1 of this act; and

5 (2) when and to the degree he reasonably believes the deadly physical
6 force is immediately necessary to prevent the other's imminent commission of
7 arson, residential or commercial burglary, robbery, aggravated robbery or
8 theft during the nighttime; and

9 (3) he reasonably believes that the use of physical force other than
10 deadly physical force to protect or recover the real property or tangible,
11 movable property would expose the actor or another to a substantial risk of
12 death or serious bodily injury.

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14 SECTION 3. This act shall be supplemental to all laws regarding the
15 defense of justification as defined in Title 5, Chapter 2, Subchapter 6 of the
16 Arkansas Code of 1987 Annotated.

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

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22 SECTION 5. If any provision of this act or the application thereof to
23 any person or circumstance is held invalid, such invalidity shall not affect
24 other provisions or applications of the act which can be given effect without
25 the invalid provision or application, and to this end the provisions of this
26 act are declared to be severable.

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28 SECTION 6. All laws and parts of laws in conflict with this act are
29 hereby repealed.

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