

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007

A Bill

SENATE BILL 2

4
5 By: Senators J. Taylor, Miller
6 By: Representative Walters

For An Act To Be Entitled

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10 AN ACT TO REMOVE THE DUTY TO RETREAT PRIOR TO THE
11 USE OF DEADLY PHYSICAL FORCE UNDER CERTAIN
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.

Subtitle

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

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

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

23 5-2-607. Use of deadly physical force in defense of a person – No duty
24 to retreat.

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

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

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

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

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

35 (b) A person ~~may not use~~ has no duty to retreat before using deadly
36 physical force in self-defense or in defense of another person if:



1 (1) The person is in any place where he or she has a right to
2 be; and

3 (2) The deadly physical force is justified under subsection (a)
4 of this section. he or she knows that he or she can avoid the necessity of
5 using deadly physical force with complete safety.

6 ~~(1)(A) By retreating.~~

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

9 ~~(i) In the person's dwelling and was not the~~
10 ~~original aggressor; or~~

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

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

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