

State of Arkansas
90th General Assembly
Regular Session, 2015

As Engrossed: H3/13/15 S3/19/15

A Bill

HOUSE BILL 1203

By: Representatives Hammer, Wardlaw

By: Senator J. Hutchinson

For An Act To Be Entitled

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

Subtitle

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

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

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) 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) A person may not use deadly physical force in self-defense if the person 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) Unable to retreat with complete safety;



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

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

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

(c) As used in this section:

(1) "Curtilage" means the land adjoining a dwelling that is convenient for residential purposes and habitually used for residential 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; and

(2) "Domestic abuse" means:

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

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

/s/Hammer

APPROVED: 03/31/2015