

SENATE BILL REPORT

SB 5320

As of February 8, 1995

Title: An act relating to the use of physical force against intruders.

Brief Description: Authorizing the use of physical force against intruders.

Sponsors: Senator McCaslin.

Brief History:

Committee Activity: Law & Justice: 2/14/95.

SENATE COMMITTEE ON LAW & JUSTICE

Staff: Cynthia Runger (786-7717)

Background: Current law permits citizen use of deadly force if it is used in the defense of self or others when the perpetrator attempts to commit a felony or do great personal injury, and there is imminent danger that the perpetrator's actions may be successful.

It is suggested that, in certain circumstances, the occupants of dwellings should be afforded a broader use of deadly force than is currently allowed under present law.

Summary of Bill: An occupant of a dwelling may use any amount of force within the dwelling, including deadly force, against a person who unlawfully enters the dwelling, if the occupant has reason to believe: 1) that the intruder has committed, is committing, or is about to commit a crime in the dwelling in addition to the unlawful entry; and 2) that the intruder might use physical force against any occupant.

An occupant of a dwelling is immune from criminal prosecution of civil liability if he or she uses physical force in accordance with these provisions.

Appropriation: None.

Fiscal Note: Requested on February 6, 1995.

Effective Date: Ninety days after adjournment of session in which bill is passed.