

NO FISCAL IMPACT**Drafting Number:** LLS 07-0181**Date:** January 12, 2007**Prime Sponsor(s):** Rep. Gardner C.
Sen. Harvey**Bill Status:** House Judiciary**Fiscal Analyst:** Marc Carey (303-866-4102)**TITLE:** CONCERNING THE USE OF PHYSICAL FORCE AGAINST AN INTRUDER.**Summary of Assessment**

This bill creates a presumption that an occupant of a dwelling, place of business, or vehicle who uses deadly physical force against an intruder has a reasonable fear of imminent death or serious bodily injury to himself or herself or another person and thus is immune from criminal prosecution for the use of such force. This presumption applies if the person against whom the physical force was used was:

- in the process of unlawfully and forcibly entering the dwelling, place of business or vehicle; or
- had unlawfully removed another person against that person's will from the dwelling, place of business or vehicle; and
- the occupant knew or had reason to believe that an unlawful and forcible act was occurring.

The bill establishes that this presumption does not apply if:

- the person against whom physical force is used has a right to be in or is the lawful resident of the dwelling, place of business or vehicle and there is not a protection order issued against that person;
- the person sought to be removed is in the lawful custody or guardianship of the person against whom physical force is used; or
- the occupant is engaged in unlawful activity or is using the dwelling, place of business or vehicle to further unlawful activity.

This bill is effective August 8, 2007, unless a referendum petition is filed

While this bill may make cases more complicated due to the expansion of presumptions, locations, and conditions under which an occupant may use deadly force, cases involving deadly force are infrequent and the increase in case complexity will only result in a minimal increase in the courts' workload. Thus, this bill will not affect state or local revenues or expenditures and is assessed as having no fiscal impact.

Departments Contacted

Corrections

Judicial

Public Safety