

**STATE
FISCAL IMPACT**

Drafting Number: LLS 14-0001
Prime Sponsor(s): Rep. Everett
 Sen. Grantham

Date: January 10, 2014
Bill Status: House SVMA
Fiscal Analyst: Hillary Smith (303-866-3277)

SHORT TITLE: DEADLY FORCE AGAINST INTRUDERS AT BUSINESSES

Fiscal Impact Summary*	FY 2014-2015	FY 2015-2016
State Revenue		
State Expenditures	See State Expenditures Section	
FTE Position Change		
Appropriation Required: None.		

* This summary shows changes from current law under the bill for each fiscal year.

Summary of Legislation

Current law permits the occupant of a dwelling to use deadly physical force against another person who has unlawfully entered the dwelling if the occupant reasonably believes that:

- the intruder is committing, has committed, or intends to commit a crime other than the unlawful entry; and
- he or she might use any physical force against the occupant.

Occupants who use physical force, including deadly physical force, in this situation are immune from criminal prosecution and civil liability. This bill adds a place of business to the locations that may be defended with deadly physical force and specifies that an owner, manager, or employee of a business is immune from criminal prosecution and civil liability for defending a place of business using deadly physical force if the above conditions are met.

Background

In addition to the provisions of law regarding occupants of a dwelling, current law also permits the use of physical force in order to defend oneself or a third person from what is reasonably believed to be the use or imminent use of unlawful physical force. Deadly physical force may only be used in this situation if the person reasonably believes that a lesser degree of force is inadequate and:

- the individual has reasonable ground to believe that he or she or another person is in imminent danger of being killed or of receiving great bodily injury;
- the other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary; or
- the other person is committing or reasonably appears about to commit kidnapping, robbery, or sexual assault.

State Expenditures

This bill is assessed as having a minimal fiscal impact that does not require any adjustments to appropriations for state agencies.

Assumptions. This fiscal note assumes that cases relating to the use of deadly physical force at a place of business are rare and that such cases may already involve existing state laws regarding the use of deadly physical force.

While the bill may increase the length and complexity of cases in which deadly force is employed at a place of business, such cases are rare. Any increase in the workload of the trial courts is expected to be minimal and will not require additional appropriations. It is possible that expanding immunity in cases involving deadly physical force will result in potential savings from fewer cases and fewer people sentenced to prison. However, other state laws addressing the use of deadly physical force may already apply in such situations. Therefore, any decrease in expenditures is expected to be minimal and does not require a change in appropriations for any state agency.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections	Counties	District Attorneys
Human Services	Judicial	Law
Local Affairs	Municipalities	Public Safety
Sheriffs		