

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa0788/1dn
PJH:jld:jf

May 10, 2011

Adam,

Please review this amendment to ensure that it is consistent with your intent. This amendment changes the provisions related to civil immunity for using deadly force. The amendment removes references to the actor's residence from the civil immunity provisions and replaces them with a more general civil immunity if the person who was injured or killed while he or she was committing or attempting to commit any crime.

The amendment removes references to entering a residence and using a residence to further a criminal enterprise; the civil immunity and presumption of reasonableness granted by this amendment would apply anywhere a person uses deadly force against a person committing or attempting to commit a crime (unless the actor is himself committing a crime or the person against whom force was used is a law officer and the actor knew or should have known that).

Under the amendment, the provisions relating to the self-defense in a criminal case remains limited to those instances where deadly force was used in a home invasion situation. Please let me know if you have any questions or would like to discuss this amendment further.

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