

HCS HB 1461, 1375, 1110 & 1103 -- DEFENSIVE USE OF FORCE

SPONSOR: Roark (Ruestman)

COMMITTEE ACTION: Voted "do pass" by the Special Committee on General Laws by a vote of 4 to 2.

This substitute allows the justifiable use of deadly force in several new circumstances against persons who pose an imminent threat of harm. The duty to retreat is abolished for those persons using force or deadly force to prevent someone from unlawfully entering or remaining in a residence, a dwelling designed for lodging persons, or a vehicle.

Anyone who takes actions that create a reasonable fear of the imminent use of unlawful force in another person and who unlawfully enters or remains in vehicles, residences, or buildings used for lodging may be subject to the legitimate use of deadly force. Deadly force will be allowed to protect oneself against the imminent threat of any forcible felony.

Anyone who uses force in a lawful manner will be immune from both civil and criminal penalties. If anyone sues a person who is ultimately found to have acted lawfully in using defensive force, the plaintiff and his or her attorney must pay court costs and any expenses incurred by the defendant as a result of the lawsuit.

FISCAL NOTE: No impact on state funds in FY 2007, FY 2008, and FY 2009.

PROPOSERS: Supporters say that the bills will allow Missouri to adopt the "castles doctrine" which works well in other states such as Florida. The right to defend oneself has an ancient legacy and is found in the Bible. People should be able to protect their homes and vehicles without the need to retreat in the face of imminent aggression. There are numerous crime-ridden areas in the state where families need the right to protect themselves from dangerous criminals. There is also the need to prevent frivolous lawsuits filed by aggressors, or the families of aggressors, against the victims of violent crime.

Testifying for HB 1461 were Representative Ruestman; Missouri Council for Children at Risk; and Kevin L. Jamison. Testifying for HB 1375 was Representative Munzlinger. Testifying for HB 1110 were Representataive Wood; and Second Amendment Coalition of Missouri. Testifying for HB 1103 were Representative Jones (117); and Second Amendment Coalition of Missouri

OPPONENTS: There was no opposition voiced to the committee.

Jason Glahn, Legislative Analyst