

HB 1940 -- DUTY TO RETREAT

SPONSOR: Dunn

Currently, a person may not use deadly force upon another person unless there are specified circumstances. This bill specifies that a person may not use deadly force under the specified circumstances unless the person has attempted to retreat from the dwelling, residence, or vehicle if he or she is not unlawfully entering or unlawfully remaining.

Currently, a person does not have a duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or remaining and from private property that is owned or leased by the individual. The bill repeals this provision and specifies that a person has the duty to retreat from a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully remaining and from private property that is owned or leased by the individual if he or she can do so without putting himself or herself at risk of death or serious bodily injury.

Nothing in these provisions can preclude or affect a civil cause of action against a person who has used physical force under these provisions.