

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: S3/27/97

A Bill

ACT 1257 OF 1997
HOUSE BILL 2007

5 By: Representatives Thomas and Shoffner
6 By: Senator Webb
7

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE [§] 5-2-607 CONCERNING THE USE
10 OF DEADLY PHYSICAL FORCE IN DEFENSE OF A PERSON; AND FOR
11 OTHER PURPOSES"

Subtitle

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14 "AN ACT CONCERNING THE USE OF DEADLY
15 PHYSICAL FORCE IN DEFENSE OF A PERSON."
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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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21 SECTION 1. Arkansas Code [§] 5-2-607 is amended to read as follows:

22 "5-2-607. Use of deadly physical force in defense of a person.

23 (a) A person is justified in using deadly physical force upon another
24 person if he reasonably believes that the other person is:

25 (1) Committing or about to commit a felony involving force or violence;

26 ~~or~~

27 (2) Using or about to use unlawful deadly physical force; or

28 (3) Imminently endangering his or her life or imminently about to

29 victimize the person as described in A.C.A. [§] 9-15-103(a)(2), from the
30 continuation of a pattern of domestic abuse. For the purposes of this section

31 "domestic abuse" shall be that described in A.C.A. [§] 9-15-103(a).

32 (b) A person may not use deadly physical force in self defense if he
33 knows that he can avoid the necessity of using that force with complete
34 safety:

35 (1) By retreating, except that a person is not required to retreat if
36 he is in his dwelling and was not the original aggressor, or if he is a law

1 enforcement officer or a person assisting at the direction of a law
2 enforcement officer; or

3 (2) By surrendering possession of property to a person claiming a
4 lawful right thereto."

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6 SECTION 2. All provisions of this act of a general and permanent nature
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 3. If any provision of this act or the application thereof to
11 any person or circumstance is held invalid, such invalidity shall not affect
12 other provisions or applications of the act which can be given effect without
13 the invalid provision or application, and to this end the provisions of this
14 act are declared to be severable.

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16 SECTION 4. All laws and parts of laws in conflict with this act are
17 hereby repealed.

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19 /s/Thomas et al

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21 APPROVED: 4-09-97

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