

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 111 of the Regular Session

1 State of Arkansas
2 86th General Assembly
3 Regular Session, 2007
4

As Engrossed: S2/5/07

A Bill

SENATE BILL 2

5 By: Senators J. Taylor, Miller, *Altes, Baker, Critcher, Faris, Hendren, Laverty, T. Smith, R. Thompson,*
6 *Whitaker, Wilkinson*

7 By: Representative Walters
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For An Act To Be Entitled

10 AN ACT TO REMOVE THE DUTY TO RETREAT PRIOR TO THE
11 USE OF DEADLY PHYSICAL FORCE UNDER CERTAIN
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
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Subtitle

15 AN ACT TO REMOVE THE DUTY TO RETREAT
16 PRIOR TO THE USE OF DEADLY PHYSICAL
17 FORCE UNDER CERTAIN CIRCUMSTANCES.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 *SECTION 1. Arkansas Code § 5-2-607 is amended to read as follows:*
24 *5-2-607. Use of deadly physical force in defense of a person.*

25 *(a) A person is justified in using deadly physical force upon another*
26 *person if the person reasonably believes that the other person is:*

27 *(1) Committing or about to commit a felony involving force or*
28 *violence;*

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

30 *(3)(A) Imminently endangering the person's life or imminently*
31 *about to victimize the person as described in § 9-15-103 from the*
32 *continuation of a pattern of domestic abuse.*

33 *(B) As used in this section, "domestic abuse" means the*
34 *same as defined in § 9-15-103.*

35 *(b) A person may not use deadly physical force in self-defense if he*



1 or she knows that he or she can avoid the necessity of using deadly physical
2 force with complete safety:

3 (1)(A) By retreating.

4 (B) However, a person is not required to retreat if the
5 person is:

6 (i) In the person's dwelling or on the curtilage
7 surrounding the person's dwelling and was not the original aggressor; or

8 (ii) A law enforcement officer or a person assisting
9 at the direction of a law enforcement officer; or

10 (2) By surrendering possession of property to a person claiming
11 a lawful right to possession of the property.

12 (c) As used in this section, "curtilage" means the land adjoining a
13 dwelling that is convenient for family purposes and habitually used for
14 family purposes, but not necessarily enclosed, and includes an outbuilding
15 that is directly and intimately connected with the dwelling and in close
16 proximity to the dwelling.

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18 /s/ J. Taylor

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20 APPROVED: 2/16/2007
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