

State of Arkansas

76th General Assembly

Regular Session, 1987

HOUSE BILL 1771

By: Representatives Fairchild and Walker

"AN ACT GRANTING IMMUNITY FROM CRIMINAL PROSECUTION AND CIVIL LIABILITY TO OCCUPANTS OF DWELLINGS USING DEADLY PHYSICAL FORCE; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. (a) The General Assembly hereby recognizes that the citizens of Arkansas have a right to expect absolute safety within their own homes.

(b) Notwithstanding the provisions of any law to the contrary, any occupant of a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling and when the occupant has a reasonable belief that such other person has committed a crime in the dwelling in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that such other person might use any physical force, no matter how slight, against any occupant.

(c) Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (b) of this section shall be entitled to a defense in a criminal prosecution for the use of such force.

(d) Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (b) of this section shall be entitled to a defense from any civil liability for injuries or death resulting from the use of such force.

SECTION 2. This Act shall apply to acts committed on or after the effective date of this Act.

SECTION 3. All laws and parts of laws in conflict with this Act are hereby repealed.

