

FINAL
FISCAL NOTE

Drafting Number: LLS 13-0276
Prime Sponsor(s): Rep. Everett
 Sen. Grantham

Date: May 14, 2013
Bill Status: Postponed indefinitely
Fiscal Analyst: Hillary Smith (303-866-3277)

TITLE: CONCERNING THE USE OF DEADLY PHYSICAL FORCE AGAINST A PERSON WHO HAS MADE AN ILLEGAL ENTRY INTO A PLACE OF BUSINESS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures General Fund	See State Expenditures section.	
FTE Position Change		
Effective Date: The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 4, 2013.		
Appropriation Summary for FY 2013-2014: None required.		
Local Government Impact: None.		

Summary of Legislation

Current law permits the occupant of a dwelling to use deadly physical force against another person who has unlawfully entered the dwelling if the occupant reasonably believes that:

- the intruder is committing, has committed, or intends to commit a crime other than the unlawful entry; and
- he or she might use any physical force against the occupant.

Occupants who use physical force in this situation are immune from criminal prosecution and civil liability. This bill, would have added a place of business to the locations that may be defended with deadly physical force and an owner, manager, or employee of a business to the individuals who may defend a place using deadly physical force.

It should be noted that current law permits the use of physical force in order to defend oneself or a third person from what is reasonably believed to be the use or imminent use of unlawful physical force. Deadly physical force may only be used in this situation if the person reasonably believes that a lesser degree of force is inadequate and:

- the individual has reasonable ground to believe that he or she or another person is in imminent danger of being killed or of receiving great bodily injury;

- the other person is using or reasonably appears about to use physical force against an occupant of a dwelling or business establishment while committing or attempting to commit burglary; or
- the other person is committing or reasonably appears about to commit kidnapping, robbery, or sexual assault.

State Expenditures

Expanding immunity from criminal prosecution and civil liability could have lead to potential savings from fewer cases and fewer people sentenced to prison. However, it is likely that in some portion of cases involving the use of deadly physical force at a business, other state laws concerning the permissible use of deadly physical force would have applied. In addition, such cases are rare. While the bill might have increased the length and complexity of cases in which a defendant claims immunity from prosecution, any increase in the workload of the trial courts was expected to be minimal and would not have required additional appropriations.

Departments Contacted

Corrections
Human Services
Local Affairs
Sheriffs

Counties
Judicial
Municipalities

District Attorneys
Law
Public Safety