

HB 135 – AS INTRODUCED

2013 SESSION

13-0281
04/09

HOUSE BILL **135**

AN ACT relative to physical force in defense of a person and relative to the definition of non-deadly force.

SPONSORS: Rep. Shurtleff, Merr 11

COMMITTEE: Criminal Justice and Public Safety

ANALYSIS

This bill:

- I. Eliminates the provision allowing a person to use deadly force anywhere he or she has a right to be.
- II. Amends the definition of non-deadly force.
- III. Repeals the provision granting civil immunity for the use of force in certain circumstances.

Explanation: Matter added to current law appears in **bold italics**.
Matter removed from current law appears [~~in brackets and struck through~~].
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Thirteen

AN ACT relative to physical force in defense of a person and relative to the definition of non-deadly force.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Physical Force in Defense of a Person. Amend RSA 627:4, III to read as follows:

2 III. A person is not justified in using deadly force on another to defend himself or herself or a
3 third person from deadly force by the other if he or she knows that he or she and the third person
4 can, with complete safety:

5 (a) Retreat from the encounter, except that he or she is not required to retreat if he or
6 she is within his or her dwelling[,] **or** its curtilage, [~~or anywhere he or she has a right to be,~~] and was
7 not the initial aggressor; or

8 (b) Surrender property to a person asserting a claim of right thereto; or

9 (c) Comply with a demand that he or she abstain from performing an act which he or she
10 is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing
11 death or serious bodily harm, the person has provoked the use of force against himself or herself in
12 the same encounter; or

13 (d) If he or she is a law enforcement officer or a private person assisting the officer at the
14 officer's direction and was acting pursuant to RSA 627:5, the person need not retreat.

15 2 Justification; Definition of Non-deadly Force. Amend RSA 627:9, IV to read as follows:

16 IV. "Non-deadly force" means any assault or confinement which does not constitute deadly
17 force. [~~The act of producing or displaying a weapon shall constitute non-deadly force.~~]

18 3 Repeal. RSA 627:1-a, relative to civil immunity for the use of force, is repealed.

19 4 Effective Date. This act shall take effect 60 days after its passage.