

**FINAL  
FISCAL NOTE**

**Drafting Number:** LLS 14-0001  
**Prime Sponsor(s):** Rep. Everett  
 Sen. Grantham

**Date:** May 13, 2014  
**Bill Status:** Postponed Indefinitely  
**Fiscal Analyst:** Hillary Smith (303-866-3277)

**SHORT TITLE:** DEADLY FORCE AGAINST INTRUDERS AT BUSINESSES

<b>Fiscal Impact Summary*</b>	<b>FY 2014-2015</b>	<b>FY 2015-2016</b>
<b>State Revenue</b>		
<b>State Expenditures</b>	See State Expenditures Section	
<b>FTE Position Change</b>		
<b>Appropriation Required:</b> None.		

\* This summary shows changes from current law under the bill for each fiscal year.

**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, including deadly physical force, in this situation are immune from criminal prosecution and civil liability. This bill adds a place of business to the locations that may be defended with deadly physical force and specifies that an owner, manager, or employee of a business is immune from criminal prosecution and civil liability for defending a place of business using deadly physical force if the above conditions are met.

**Background**

In addition to the provisions of law regarding occupants of a dwelling, current law also 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**

This bill is assessed as having a minimal fiscal impact that does not require any adjustments to appropriations for state agencies.

**Assumptions.** This fiscal note assumes that cases relating to the use of deadly physical force at a place of business are rare and that such cases may already involve existing state laws regarding the use of deadly physical force.

While the bill may increase the length and complexity of cases in which deadly force is employed at a place of business, such cases are rare. Any increase in the workload of the trial courts is expected to be minimal and will not require additional appropriations. It is possible that expanding immunity in cases involving deadly physical force will result in potential savings from fewer cases and fewer people sentenced to prison. However, other state laws addressing the use of deadly physical force may already apply in such situations. Therefore, any decrease in expenditures is expected to be minimal and does not require a change in appropriations for any state agency.

**Effective Date**

The bill was postponed indefinitely by the House State, Veterans, and Military Affairs Committee on February 17, 2014.

**State and Local Government Contacts**

Corrections  
Human Services  
Local Affairs  
Sheriffs

Counties  
Judicial  
Municipalities

District Attorneys  
Law  
Public Safety