

HOUSE BILL NO. 293

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINETEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE VEZEY

Introduced: 4/5/95

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the use of force in defense of persons or property."

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

3 * **Section 1.** AS 11.81.335(a) is amended to read:

4 (a) A [EXCEPT AS PROVIDED IN (b) OF THIS SECTION, A] person may
5 use deadly force upon another person when and to the extent

6 (1) the use of nondeadly force is justified under AS 11.81.330(a)
7 [AS 11.81.330]; and

8 (2) the person is acting in self-defense against the threat of criminal
9 assault in any degree or other offense against the person under AS 11.41
10 [REASONABLY BELIEVES THE USE OF DEADLY FORCE IS NECESSARY FOR
11 SELF DEFENSE AGAINST DEATH, SERIOUS PHYSICAL INJURY,
12 KIDNAPPING, SEXUAL ASSAULT IN THE FIRST DEGREE, SEXUAL ASSAULT
13 IN THE SECOND DEGREE, OR ROBBERY IN ANY DEGREE].

14 * **Sec. 2.** AS 11.81.350 is amended by adding a new subsection to read:

15 (e) An occupant of a dwelling is justified in using physical force, including

1 deadly force, against another person when the other person has made an unlawful entry
2 into the dwelling and when the occupant believes that the other person has committed
3 a crime in the dwelling, in addition to the uninvited entry, or is committing or intends
4 to commit a crime against a person or property, in addition to the uninvited entry, and
5 when the occupant believes that the other person might use any physical force, no
6 matter how slight, against any occupant. An occupant of a dwelling using physical
7 force, including deadly force, in accordance with this subsection is immune from
8 criminal prosecution for the use of the deadly or nondeadly force and from civil
9 liability for injuries or death resulting from the use of the deadly or nondeadly force.
10 * **Sec. 3.** AS 11.81.335(b) is repealed.