

**HB**

**314**

# ALASKA STATE HOUSE OF REPRESENTATIVES



Session

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## REPRESENTATIVE JOHN COGHILL

*HB 314 "No Retreat Defense"*

### *SPONSOR STATEMENT*

This legislation came to my attention when Florida passed similar legislation last year. but was brought closer to home when a man in Wasilla was shot after being chased out of his own home by an intruder.

Unlike Florida, Alaska law allows a person to use deadly force in defense of death, serious physical injury, kidnapping, sexual assault or robbery in their home. HB 314 broadens the law to include any place a person has a right to be.

If a person fears for their life or is under attack, they should be able to stand their ground whether in their home, or the parking lot of the local grocery store.

Sexual assault is no longer about promiscuity, but physical mangling, kidnapping, rape and, too often, death. HB 314 allows a person to use deadly force when protecting a child from sexual assault.

This bill addresses defense from car jacking. A person may use deadly force from inside or outside the vehicle to terminate a car jacking.

This legislation also provides immunity from civil liability against people that use deadly force to defend themselves. I don't believe there was ever an intention of this being able to happen to a law abiding person just trying to defend themselves.

Those who intend to do bodily harm, kidnap, or sexually assault another person should "beware." This bill empowers people to defend themselves and others. You can't blow a whistle and expect the police to show up; I say stand your ground.

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## REPRESENTATIVE JOHN COGHILL

### *HB 314 - No Retreat Defense*

#### SECTIONAL

##### Section 1

HB 314 amends the Code of Civil Procedure, Title 9, by adding immunity from civil liability against a person that uses force, unless it is against a peace officer engaged in the performance of official duties, identified as a peace officer, or reasonably known as a peace officer.

This section also provides for reasonable attorney fees, court, costs, compensation for loss of income, and all expenses incurred as a result of such a civil action.

##### Section 2

Under current law a person can use deadly force if it is a situation that allows non-deadly force and the person believes deadly force is needed for self-defense against death, serious injury, kidnapping, sexual assault, and robbery in any degree.

**Section 2(a) adds sexual abuse of a minor as a reason to defend the minor with the use deadly force.**

No duty to retreat already applies in Alaska on premises a person owns or leases. Section 2 (b) is amended in HB 314 and expands "no retreat" to any place a person has a right to be.

##### Section 3

Provides that deadly force can be used and no retreat has to be made to protect a child from imminent threat of death, serious physical injury, kidnapping, sexual assault, sexual abuse of a minor, or robbery.

##### Section 4

Provides that a person inside or outside a vehicle may use deadly force if necessary to terminate a carjacking or theft of a vehicle when someone other than the offender is inside the vehicle.