

SB

2000

AMENDMENT

OFFERED IN THE HOUSE

TO: CSSB 200(JUD) am

- 1 Page 4, line 30, following "vehicle":
- 2 Insert "; this paragraph does not apply to a person outside of a vehicle who is involved
- 3 in a dispute with a person inside of the vehicle who is a household member of that person; in
- 4 this paragraph, "household member" has the meaning given in AS 18.66.990"

Alaska State Legislature

SENATOR
GENE THERRIAULT

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Senate

While in session
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SENATE DISTRICT F

Sponsor Statement

Senate Bill 200

A Peron's Right To Defend With Force

Senate Bill 200 is generally based on Florida's recently codified "Castle Law".

The right to defend life and property needs to be clear. Senate Bill 200 not only recognizes that right to protect one's self at their home ("castle"), but in other specific places a person also has a legal right to be.

In this time of ever increasing child abduction, car jacking, and random threats to life and property it is incumbent that we have clear and concise laws securing the rights of individuals to protect themselves or children from would-be perpetrators.

SB 200 relieves victims of the need to flee and legally empowers them when confronted by force in situation involving kidnapping, sexual assault, sexual abuse of a minor in the first degree, car jacking, to "stand their ground" and meet and overcome such threats with force or deadly force if necessary.

A special provision is included to protect peace officers, firemen, and other emergency personnel.



Alaska State Legislature

Senate Majority Web: www.akrepublicans.org

Sponsor: Senator Gene Theriault
Current Version: CSSB 200 (JUD)
Contact: Dave Stancliff, 465-4797

Fact Sheet for: Senate Bill 200

Short Title: USE OF FORCE TO PROTECT SELF/HOME

Summary:

- Broadens existing statute, which allows a person to use force to defend property that a person owns or leases, to include "specific places a person has a right to be."
- Allows the use of force to protect children threatened with death or serious injury, kidnapping, sexual assault, sexual abuse of a minor in the first degree, or robbery.
- Permits use of force by a victim remaining inside an automobile being car-jacked, or by a person outside a vehicle being stolen if there is a victim inside that vehicle.
- Prohibits the use of force for any reason against law enforcement officers, firefighters, paramedics, EMTs, or those assisting them in their official duties.

Benefits:

- Allows individuals to more adequately protect themselves and others from violent crimes.

Background:

- Based on a Florida statute hailed as the "Castle Law," SB 200 allows force as a legal option under certain circumstances where life, property and the welfare of others is at high risk.

Oklahoma State Senate

Communications Division
State Capitol
Oklahoma City, Oklahoma 73105

For Immediate Release: November 3, 2004

How the 'Make My Day' law cut epidemic of violent burglary

By Charles Laurence

Sunday London Telegraph

At 3.30am on January 6, 1987, Dr Frank Sommer, a dentist in Tulsa, Oklahoma, woke to the sound of his garage door opening. He looked at the clock, mentally scolded his son, then 18, or his daughter 20, for getting home so late, and waited for the sound of their footsteps downstairs.

"After a few minutes, I thought that it was odd that I had heard nothing more. I took the gun from my nightstand, left my wife fast asleep and went downstairs to make sure everything was OK," he recalled yesterday.

What happened next was an experience of pure terror. As he looked through the peep-hole from the kitchen into the garage, he saw two strange men. One was pilfering from his wife's car: the other was standing at the opened door, by the tool racks.

Just as he stepped through the door to challenge the intruders, the lights went out. "It was total darkness and suddenly I was very, very scared. I fired one shot and yelled a warning. I saw one figure run off and as I went towards the driveway I saw a body in the doorway. 'Oh no!' I thought. 'He's dead.' "

In those few seconds Dr Sommer, 66, had been plunged into a case that

changed the law in Oklahoma and may yet influence a change in the law in Britain. Within weeks of the incident, the Oklahoma state government passed legislation that became known as the Make My Day Law, named for the celebrated scene in the Clint Eastwood Dirty Harry film.

The law was pushed through by Sen Charles Ford, a Republican, the opposition party in the state.

"The purpose of the law is to protect the victim of crime who defends his home and his family against unlawful intrusion from any criminal prosecution or civil action," Sen Ford said last week.

"We considered it outrageous that someone who protects his home and family should suffer. Our law says you can use any force, including deadly force, to defend your home."

It has been an unqualified success. Since the Make My Day Law came into force, burglary has declined by almost half in Oklahoma. In 1987, there were 58,333 cases; in 2000, just 31,661.

While crime rates throughout America fell in the 1990s, Make My Day supporters point to a second statistic in Oklahoma they say proves the impact of the new law: while burglary rates plunged, other forms of theft stayed constant. In 1988, there were 96,418 cases, in 2000, 96,111.

Similar anti-burglar laws have now been adopted in Colorado and Arizona. The reason, said Sen Ford, was simple: "The law works. We were in the grip of a violent burglary epidemic when Dr Sommer's home was invaded.

"Over that Christmas, we had six people in their 70s and 80s killed, bludgeoned

to death by burglars in their bedrooms. How were they meant to defend themselves if they could not legally resort to lethal force?" he said.

Giving householders immunity from criminal and civil action was also inspired by Dr Sommer's experience. Although he was taken to the police station and interrogated, the District Attorney read the public mood over the series of deadly burglaries and decided against charging him with the killing of the burglar, Russell Bryant, 19.

An "ambulance chaser" lawyer contacted Bryant's family and sought damages for a lifetime of lost earnings on the grounds that the killing was unlawful.

"This was outrageous and focused attention on the vague state of the law which left the victim of burglary vulnerable," said Sen Ford, 73.

Prior to the Make My Day legislation, the law, as it remains in most American states, sanctioned force in self-defence and the defence of property, but only on the basis of "reasonable" response to the violence offered by the criminal. This allows a baseball bat against a baseball bat, a knife against a knife, and a gun against a gun - although in theory the householder should allow the burglar to shoot first.

There have now been at least 11 cases where intruders have been shot dead in Oklahoma and the householders who pulled the trigger have escaped any sanction under the Make My Day law.

While Dr Sommer is a fervent supporter of the law protecting householders, he said that killing Bryant had left him into overwhelming feelings of guilt and that for years he was tormented by the thought that he had committed the "ultimate sin".

"Every time I go into that garage I think about it," he explained. "But I do not regret it. My wife and children were in our home. I am sorry that young man was in the wrong place at the wrong time. But that was of his choosing."

For more information contact:

Senate Communications Office - (405) 521-5774

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 200(JUD)
 (S) Publish Date: 2/03/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title An Act relating to defense of self, other persons, RDU Alaska State Troopers
and property. Component AST Detachments
 Sponsor Senator Therriault
 Requester Senate Judiciary Committee Component No. 2325

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Passage of this legislation will have no fiscal impact as it would be absorbed by the current assets of the Department of Public Safety.

Prepared by: Lieutenant James Helgoe
 Division: Alaska State Troopers
 Approved by: Commissioner William Tandeske
 Agency: Department of Public Safety

Phone 907-269-4532
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