

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 15-0235	Date: January 20, 2015
Prime Sponsor(s): Rep. Everett Sen. Grantham	Bill Status: House SVMA
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BILL TOPIC: DEADLY FORCE AGAINST INTRUDERS IN BUSINESSES

Fiscal Impact Summary*	FY 2015-2016	FY 2016-2017
State Revenue		
State Expenditures	Minimal workload increase. See State Expenditures section.	
FTE Position Change		
Appropriation Required: 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
- 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 may increase workload for the trial courts in the Judicial Department by a minimal amount. 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 already involve existing state laws regarding the use of deadly physical force. As such, the bill is not anticipated to reduce case filings or use of prison beds. To the extent that this bill increases the length and complexity of cases in which deadly force is employed at a place of business, workload for the trial courts will increase. This analysis assumes any such increase will be minimal and not require an increase in appropriations for any state agency.

Local Government Impact

Similar to the state, should cases increase in complexity, workload for district attorneys may increase. The fiscal note assumes that any impact will be minimal.

Effective Date

The bill takes effect upon signature of the Governor, or upon becoming law without his signature.

State and Local Government Contacts

Corrections
Municipalities

Counties
Public Safety

District Attorneys
Sheriffs

Judicial