

PREVAILED	Roll Call No. _____
FAILED	Ayes _____
WITHDRAWN	Noes _____
RULED OUT OF ORDER	

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 1 be amended to read as follows:

1 Delete everything after the enacting clause and insert the following:
2 SECTION 1. IC 35-41-3-2, AS AMENDED BY P.L.189-2006,
3 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
4 UPON PASSAGE]: Sec. 2. (a) **In enacting this section, the general
5 assembly finds and declares that it is the policy of this state to
6 recognize the unique character of a citizen's home and to ensure
7 that a citizen feels secure in his or her own home against unlawful
8 intrusion by any other person (as defined in IC 35-41-1-22(a)). The
9 general assembly also finds and declares that it is the policy of this
10 state that people have a right to defend themselves and third
11 parties from physical harm and crime. The purpose of this section
12 is to provide the citizens of this state with a lawful means of
13 carrying out this policy.**
14 (b) A person is justified in using reasonable force against ~~another~~
15 **any other** person to protect the person or a third person from what the
16 person reasonably believes to be the imminent use of unlawful force.
17 However, a person:
18 (1) is justified in using deadly force; and
19 (2) does not have a duty to retreat;
20 if the person reasonably believes that that force is necessary to prevent
21 serious bodily injury to the person or a third person or the commission
22 of a forcible felony. No person in this state shall be placed in legal
23 jeopardy of any kind whatsoever for protecting the person or a third
24 person by reasonable means necessary.

- 1 ~~(b)~~ **(c)** A person:
- 2 (1) is justified in using reasonable force, including deadly force,
- 3 against ~~another~~ **any other** person; and
- 4 (2) does not have a duty to retreat;
- 5 if the person reasonably believes that the force is necessary to prevent
- 6 or terminate the other person's unlawful entry of or attack on the
- 7 person's dwelling, curtilage, or occupied motor vehicle.
- 8 ~~(c)~~ **(d)** With respect to property other than a dwelling, curtilage, or
- 9 an occupied motor vehicle, a person is justified in using reasonable
- 10 force against ~~another~~ **any other** person if the person reasonably
- 11 believes that the force is necessary to immediately prevent or terminate
- 12 the other person's trespass on or criminal interference with property
- 13 lawfully in the person's possession, lawfully in possession of a member
- 14 of the person's immediate family, or belonging to a person whose
- 15 property the person has authority to protect. However, a person:
- 16 (1) is justified in using deadly force; and
- 17 (2) does not have a duty to retreat;
- 18 only if that force is justified under subsection ~~(a)~~: **(b)**.
- 19 ~~(d)~~ **(e)** A person is justified in using reasonable force, including
- 20 deadly force, against ~~another~~ **any other** person and does not have a
- 21 duty to retreat if the person reasonably believes that the force is
- 22 necessary to prevent or stop the other person from hijacking,
- 23 attempting to hijack, or otherwise seizing or attempting to seize
- 24 unlawful control of an aircraft in flight. For purposes of this subsection,
- 25 an aircraft is considered to be in flight while the aircraft is:
- 26 (1) on the ground in Indiana:
- 27 (A) after the doors of the aircraft are closed for takeoff; and
- 28 (B) until the aircraft takes off;
- 29 (2) in the airspace above Indiana; or
- 30 (3) on the ground in Indiana:
- 31 (A) after the aircraft lands; and
- 32 (B) before the doors of the aircraft are opened after landing.
- 33 ~~(e)~~ **(f)** Notwithstanding subsections ~~(a)~~, ~~(b)~~ and ~~(c)~~, **through (d)**, a
- 34 person is not justified in using force if:
- 35 (1) the person is committing or is escaping after the commission
- 36 of a crime;
- 37 (2) the person provokes unlawful action by another person with
- 38 intent to cause bodily injury to the other person; or
- 39 (3) the person has entered into combat with another person or is
- 40 the initial aggressor unless the person withdraws from the
- 41 encounter and communicates to the other person the intent to do
- 42 so and the other person nevertheless continues or threatens to
- 43 continue unlawful action.
- 44 ~~(f)~~ **(g)** Notwithstanding subsection ~~(d)~~; **(e)**, a person is not justified
- 45 in using force if the person:
- 46 (1) is committing, or is escaping after the commission of, a crime;

1 (2) provokes unlawful action by another person, with intent to
2 cause bodily injury to the other person; or

3 (3) continues to combat another person after the other person
4 withdraws from the encounter and communicates the other
5 person's intent to stop hijacking, attempting to hijack, or
6 otherwise seizing or attempting to seize unlawful control of an
7 aircraft in flight.

8 **(h) A person is justified in using reasonable force against any**
9 **law enforcement officer if the person reasonably believes the force**
10 **is necessary to:**

11 **(1) protect the person or a third person from what the person**
12 **reasonably believes to be the imminent use of unlawful force;**

13 **(2) prevent or terminate the law enforcement officer's**
14 **unlawful entry of or attack on the person's dwelling, curtilage,**
15 **or occupied motor vehicle; or**

16 **(3) prevent or terminate the law enforcement officer's**
17 **unlawful trespass on or criminal interference with property**
18 **lawfully in the person's possession, lawfully in possession of a**
19 **member of the person's immediate family, or belonging to a**
20 **person whose property the person has authority to protect.**

21 **(i) Notwithstanding subsection (h), a person is not justified in**
22 **using force against a law enforcement officer if:**

23 **(1) the person is committing or is escaping after the**
24 **commission of a crime;**

25 **(2) the person provokes action by the law enforcement officer**
26 **with intent to cause bodily injury to the law enforcement**
27 **officer;**

28 **(3) the person has entered into combat with the law**
29 **enforcement officer or is the initial aggressor, unless the**
30 **person withdraws from the encounter and communicates to**
31 **the law enforcement officer the intent to do so and the law**
32 **enforcement officer nevertheless continues or threatens to**
33 **continue unlawful action: or**

34 **(4) the person reasonably believes the law enforcement officer**
35 **is:**

36 **(A) acting lawfully, or**

37 **(B) engaged in the lawful execution of the law enforcement**
38 **officer's official duties.**

39 **(j) A person is not justified in using deadly force against a law**
40 **enforcement officer who the person knows or reasonably should**
41 **know is a law enforcement officer unless:**

42 **(1) the person reasonably believes that the law enforcement**
43 **officer is:**

44 **(A) acting unlawfully; or**

45 **(B) not engaged in the execution of the officer's official**
46 **duties; and**

47 **(2) the force is reasonably necessary to prevent serious bodily**

1 **injury to the person or a third person.**
2 **SECTION 2. An emergency is declared for this act.**
 (Reference is to ESB 1 as printed February 24, 2012.)

Representative McMillin