Adopted	Rejected

COMMITTEE REPORT

YES: 9
NO: 3

MR. SPEAKER:

Your Committee on ***Courts and Criminal Code****, to which was referred Senate Bill 1, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill* ***be amended*** *as follows:*

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-41-3-2, AS AMENDED BY P.L.189-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 2. (a) **In enacting this section, the general assembly finds and declares that it is the policy of this state to recognize the unique character of a citizen's home and to ensure that a citizen feels secure in his or her own home against unlawful intrusion by any other person (as defined in IC 35-41-1-22(a)). The general assembly also finds and declares that it is the policy of this state that people have a right to defend themselves and third parties from physical harm and crime. The purpose of this section is to provide the citizens of this state with a lawful means of carrying out this policy.**

(b) A person is justified in using reasonable force against ~~another~~

any other person to protect the person or a third person from what the person reasonably believes to be the imminent use of unlawful force. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

if the person reasonably believes that that force is necessary to prevent serious bodily injury to the person or a third person or the commission of a forcible felony. No person in this state shall be placed in legal jeopardy of any kind whatsoever for protecting the person or a third person by reasonable means necessary.

~~(b)~~ **(c)** A person:

(1) is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person; and

(2) does not have a duty to retreat;

if the person reasonably believes that the force is necessary to prevent or terminate the other person's unlawful entry of or attack on the person's dwelling, curtilage, or occupied motor vehicle.

~~(c)~~ **(d)** With respect to property other than a dwelling, curtilage, or an occupied motor vehicle, a person is justified in using reasonable force against ~~another~~ **any other** person if the person reasonably believes that the force is necessary to immediately prevent or terminate the other person's trespass on or criminal interference with property lawfully in the person's possession, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. However, a person:

(1) is justified in using deadly force; and

(2) does not have a duty to retreat;

only if that force is justified under subsection ~~(a)~~ **(b).**

~~(d)~~ **(e)** A person is justified in using reasonable force, including deadly force, against ~~another~~ **any other** person and does not have a duty to retreat if the person reasonably believes that the force is necessary to prevent or stop the other person from hijacking, attempting to hijack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. For purposes of this subsection, an aircraft is considered to be in flight while the aircraft is:

(1) on the ground in Indiana:

(A) after the doors of the aircraft are closed for takeoff; and

(B) until the aircraft takes off;

(2) in the airspace above Indiana; or

(3) on the ground in Indiana:

(A) after the aircraft lands; and

(B) before the doors of the aircraft are opened after landing.

~~(e)~~ **(f)** Notwithstanding subsections ~~(a),~~ (b) ~~and (c),~~ **through (d),** a person is not justified in using force if:

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

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

(3) the person has entered into combat with another person or is the initial aggressor unless the person withdraws from the encounter and communicates to the other person the intent to do so and the other person nevertheless continues or threatens to continue unlawful action.

~~(f)~~ **(g)** Notwithstanding subsection ~~(d),~~ **(e)** a person is not justified in using force if the person:

(1) is committing, or is escaping after the commission of, a crime;

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

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

(h) A person is justified in using reasonable force against a law enforcement officer if the person reasonably believes the force is necessary to:

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

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

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

1 **(i) A person is not justified in using deadly force against a law**
2 **enforcement officer unless the person reasonably believes that:**
3 **(1) the officer is:**
4 **(A) acting unlawfully; and**
5 **(B) not engaged in the execution of the officer's official**
6 **duty; and**
7 **(2) the force is reasonably necessary to prevent serious bodily**
8 **injury to the person or a third person.**
9 SECTION 2. **An emergency is declared for this act.**

(Reference is to SB 1 as printed January 18, 2012.)

and when so amended that said bill do pass.

_____

Representative Steuerwald