



General Assembly

February Session, 2022

Raised Bill No. 388

LCO No. 2832



Referred to Committee on JUDICIARY

Introduced by:
(JUD)

**AN ACT CONCERNING THE DEFENSE OF A PERSON OR A
PERSON'S DWELLING, PLACE OF WORK OR MOTOR VEHICLE.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53a-19 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2022*):

3 (a) Except as provided in subsections (b) and (c) of this section, a
4 person is justified in using reasonable physical force upon another
5 person to defend himself or a third person from what he reasonably
6 believes to be the use or imminent use of physical force, and he may use
7 such degree of force which he reasonably believes to be necessary for
8 such purpose; except that deadly physical force may not be used unless
9 the actor reasonably believes that such other person is (1) using or about
10 to use deadly physical force, or (2) inflicting or about to inflict great
11 bodily harm.

12 (b) Notwithstanding the provisions of subsection (a) of this section, a
13 person is not justified in using deadly physical force upon another
14 person if he or she knows that he or she can avoid the necessity of using
15 such force with complete safety (1) by retreating, except that the actor

16 shall not be required to retreat if he or she is (A) in his or her dwelling,
17 as defined in section 53a-100, motor vehicle or place of work and was
18 not the initial aggressor, or [if he or she is] (B) a peace officer or a special
19 policeman appointed under section 29-18b, or a private person assisting
20 such peace officer or special policeman at his or her direction, and acting
21 pursuant to section 53a-22, or (2) by surrendering possession of property
22 to a person asserting a claim of right thereto, or (3) by complying with a
23 demand that he or she abstain from performing an act which he or she
24 is not obliged to perform.

25 (c) Notwithstanding the provisions of subsection (a) of this section, a
26 person is not justified in using physical force when (1) with intent to
27 cause physical injury or death to another person, he provokes the use of
28 physical force by such other person, or (2) he is the initial aggressor,
29 except that his use of physical force upon another person under such
30 circumstances is justifiable if he withdraws from the encounter and
31 effectively communicates to such other person his intent to do so, but
32 such other person notwithstanding continues or threatens the use of
33 physical force, or (3) the physical force involved was the product of a
34 combat by agreement not specifically authorized by law.

35 (d) There shall be a presumption that the belief of a person under this
36 section that the use of deadly physical force is necessary to defend such
37 person or a third person from another person (1) using or about to use
38 deadly physical force, or (2) inflicting or about to inflict great bodily
39 harm, is a reasonable belief.

40 Sec. 2. Section 53a-20 of the general statutes is repealed and the
41 following is substituted in lieu thereof (*Effective October 1, 2022*):

42 (a) A person in possession or control of premises, or a person who is
43 licensed or privileged to be in or upon such premises, is justified in
44 using reasonable physical force upon another person when and to the
45 extent that he reasonably believes such to be necessary to prevent or
46 terminate the commission or attempted commission of a criminal
47 trespass by such other person in or upon such premises; but he may use

48 deadly physical force under such circumstances only (1) in defense of a
49 person as prescribed in section 53a-19, as amended by this act, or (2)
50 when he reasonably believes such to be necessary to prevent an attempt
51 by the trespasser to commit arson or any crime of violence, or (3) to the
52 extent that he reasonably believes such to be necessary to prevent or
53 terminate an unlawful entry by force into his dwelling as defined in
54 section 53a-100, or place of work, and for the sole purpose of such
55 prevention or termination.

56 (b) There shall be a presumption that the belief of a person under this
57 section that the use of deadly physical force is necessary to (1) defend
58 such person or a third person as prescribed in section 53a-19, as
59 amended by this act, (2) prevent an attempt by the trespasser to commit
60 arson or any crime of violence, or (3) prevent or terminate an unlawful
61 entry by force into his dwelling or place of work, is a reasonable belief.

62 Sec. 3. Section 53a-21 of the general statutes is repealed and the
63 following is substituted in lieu thereof (*Effective October 1, 2022*):

64 (a) A person is justified in using reasonable physical force upon
65 another person when and to the extent that he reasonably believes such
66 to be necessary to prevent an attempt by such other person to commit
67 larceny or criminal mischief involving property, or when and to the
68 extent he reasonably believes such to be necessary to regain property
69 which he reasonably believes to have been acquired by larceny within a
70 reasonable time prior to the use of such force; but he may use deadly
71 physical force under such circumstances only (1) in defense of a person
72 as prescribed in section 53a-19, as amended by this act, or (2) to the
73 extent that he reasonably believes such to be necessary to prevent or
74 terminate an unlawful entry by force into his motor vehicle, and for the
75 sole purpose of such prevention or termination.

76 (b) There shall be a presumption that the belief of a person under this
77 section that the use of deadly physical force is necessary to (1) defend
78 such person or a third person as prescribed in section 53a-19, as
79 amended by this act, or (2) prevent or terminate an unlawful entry by

80 force into his motor vehicle, is a reasonable belief.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2022</i>	53a-19
Sec. 2	<i>October 1, 2022</i>	53a-20
Sec. 3	<i>October 1, 2022</i>	53a-21

Statement of Purpose:

To create a presumption that it is reasonable to believe deadly physical force is necessary to defend (1) oneself or another person as prescribed in section 53a-19, or (2) oneself from a person who has unlawfully entered one's dwelling, place of work or motor vehicle.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]