

Amendment to HB 160

1 Amend the title of the bill by replacing it with the following:

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3 AN ACT relative to threatening the use of deadly force in defense of a person or property.

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5 Amend the bill by replacing sections 2 and 3 with the following:

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7 2 New Paragraph; Criminal Threatening. Amend RSA 631:4 by inserting after paragraph I the  
8 following new paragraph:

9 I-a. A person who threatens the use of deadly force, including the pointing or display of a  
10 firearm or other deadly weapon or replica thereof, while such person was within his or her dwelling  
11 or its curtilage, or his or her vehicle, or anywhere else he or she has a right to be, shall be presumed  
12 to have been in reasonable fear of death or serious bodily injury to himself or herself, or a family  
13 member, or a guest of the household when such threat of deadly force is used against another person  
14 who unlawfully enters or attempts to enter such person's dwelling, curtilage, vehicle, or any place  
15 where such person has a right to be, and such person knew or reasonably believed that an unlawful  
16 entry had occurred or was occurring. The failure to retreat by such person shall not constitute proof  
17 that the person's display of a firearm or other deadly weapon or replica thereof, was unnecessary or  
18 unreasonable, and such person shall not be charged with a criminal act under this section.

19 3 Effective Date. This act shall take effect January 1, 2011.

2010-1149s

AMENDED ANALYSIS

This bill defines the circumstances under which the threat of the use of deadly force, including the pointing or display of a firearm, shall not constitute a criminal act.