

CHAPTER 704

FORCE — REASONABLE OR DEADLY — DEFENSES

Referred to in §331.307, 364.22, 701.1

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704.1 Reasonable force.

1. “*Reasonable force*” means that force and no more which a reasonable person, in like circumstances, would judge to be necessary to prevent an injury or loss and can include deadly force if it is reasonable to believe that such force is necessary to avoid injury or risk to one’s life or safety or the life or safety of another, or it is reasonable to believe that such force is necessary to resist a like force or threat.

2. A person may be wrong in the estimation of the danger or the force necessary to repel the danger as long as there is a reasonable basis for the belief of the person and the person acts reasonably in the response to that belief.

3. A person who is not engaged in illegal activity has no duty to retreat from any place where the person is lawfully present before using force as specified in [this chapter](#).

[C51, §2773; R60, §4442; C73, §4112; C97, §5102; C24, 27, 31, 35, 39, §12921; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §691.1; C79, 81, §704.1; [81 Acts, ch 204, §2](#)]

[2017 Acts, ch 69, §37](#)

Referred to in [§234.40, 280.21](#)

704.2 Deadly force.

1. The term “*deadly force*” means any of the following:

a. Force used for the purpose of causing serious injury.

b. Force which the actor knows or reasonably should know will create a strong probability that serious injury will result.

c. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, in the direction of some person with the knowledge of the person’s presence there, even though no intent to inflict serious physical injury can be shown.

d. The discharge of a firearm, other than a firearm loaded with less lethal munitions and discharged by a peace officer, corrections officer, or corrections official in the line of duty, at a vehicle in which a person is known to be.

2. “*Deadly force*” does not include a threat to cause serious injury or death, by the production, display, or brandishing of a deadly weapon, as long as the actions of the person are limited to creating an expectation that the person may use deadly force to defend oneself, another, or as otherwise authorized by law.

3. As used in [this section](#), “*less lethal munitions*” means projectiles which are designed to stun, temporarily incapacitate, or cause temporary discomfort to a person without penetrating the person’s body.

[C79, 81, §704.2]

[97 Acts, ch 166, §1, 2; 2013 Acts, ch 30, §197; 2017 Acts, ch 69, §38](#)

704.2A Justifiable use of deadly force.

1. For purposes of [this chapter](#), a person is presumed to reasonably believe that deadly force is necessary to avoid injury or risk to one’s life or safety or the life or safety of another in either of the following circumstances:

a. The person against whom force is used, at the time the force is used, is doing any of the following:

(1) Unlawfully entering by force or stealth the dwelling, place of business or employment, or occupied vehicle of the person using force, or has unlawfully entered by force or stealth and remains within the dwelling, place of business or employment, or occupied vehicle of the person using force.

(2) Unlawfully removing or is attempting to unlawfully remove another person against the other person's will from the dwelling, place of business or employment, or occupied vehicle of the person using force.

b. The person using force knows or has reason to believe that any of the conditions set forth in paragraph "a" are occurring.

2. The presumption set forth in [subsection 1](#) does not apply if, at the time force is used, any of the following circumstances are present:

a. The person using defensive force is engaged in a criminal offense, is attempting to escape from the scene of a criminal offense that the person has committed, or is using the dwelling, place of business or employment, or occupied vehicle to further a criminal offense.

b. The person sought to be removed is a child or grandchild or is otherwise in the lawful custody or under the lawful guardianship of the person against whom force is used.

c. The person against whom force is used is a peace officer who has entered or is attempting to enter a dwelling, place of business or employment, or occupied vehicle in the lawful performance of the peace officer's official duties.

d. The person against whom the force is used has the right to be in, or is a lawful resident of, the dwelling, place of business or employment, or occupied vehicle of the person using force, and a protective or no-contact order is not in effect against the person against whom the force is used.

[2017 Acts, ch 69, §39; 2018 Acts, ch 1026, §170](#)

704.2B Use of deadly force — duties — evidence.

1. If a person uses deadly force, the person shall notify or cause another to notify a law enforcement agency about the person's use of deadly force within a reasonable time period after the person's use of the deadly force, if the person or another person is capable of providing such notification.

2. The person using deadly force shall not intentionally destroy, alter, conceal, or disguise physical evidence relating to the person's use of deadly force, and the person shall not intentionally intimidate witnesses into refusing to cooperate with any investigation relating to the use of such deadly force or induce another person to alter testimony about the use of such deadly force.

[2017 Acts, ch 69, §40](#)

704.3 Defense of self or another.

A person is justified in the use of reasonable force when the person reasonably believes that such force is necessary to defend oneself or another from any actual or imminent use of unlawful force.

[C51, §2773 – 2775; R60, §4442 – 4444; C73, §4112 – 4114; C97, §5102 – 5104; C24, 27, 31, 35, 39, §12921 – 12923; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §691.1, 691.2(1), 691.3; C79, 81, §704.3]

[2017 Acts, ch 69, §41](#)

Referred to in [§236.12](#)

704.4 Defense of property.

A person is justified in the use of reasonable force to prevent or terminate criminal interference with the person's possession or other right in property. Nothing in [this section](#) authorizes the use of any spring gun or trap which is left unattended and unsupervised and

which is placed for the purpose of preventing or terminating criminal interference with the possession of or other right in property.

[C51, §2774; R60, §4443; C73, §4113; C97, §5103; C24, 27, 31, 35, 39, §12922; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §691.2(2); C79, 81, §704.4]

Referred to in [§704.13](#)

Spring guns and traps, see [§708.9](#)

704.5 Aiding another in the defense of property.

A person is justified in the use of reasonable force to aid another in the lawful defense of the other person's rights in property or in any public property.

[C51, §2775; R60, §4444; C73, §4114; C97, §5104; C24, 27, 31, 35, 39, §12923; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §691.3; C79, 81, §704.5]

704.6 When defense not available.

The defense of justification is not available to the following:

1. One who is participating in a forcible felony, or riot, or a duel.
2. One who initially provokes the use of force against oneself, with the intent to use such force as an excuse to inflict injury on the assailant.

3. One who initially provokes the use of force against oneself by one's unlawful acts, unless:

- a. Such force is grossly disproportionate to the provocation, and is so great that the person reasonably believes that the person is in imminent danger of death or serious injury or

- b. The person withdraws from physical contact with the other and indicates clearly to the other that the person desires to terminate the conflict but the other continues or resumes the use of force.

[C79, 81, §704.6]

Forcible felony defined, see [§702.11](#)

704.7 Resisting forcible felony.

A person who reasonably believes that a forcible felony is being or will imminently be perpetrated is justified in using reasonable force, including deadly force, against the perpetrator or perpetrators to prevent or terminate the perpetration of that felony.

[C79, 81, §704.7]

[2017 Acts, ch 69, §42](#)

Forcible felony defined, see [§702.11](#)

Liability of perpetrator of forcible felony, see [chapter 670A](#)

704.8 Escape from place of confinement.

A correctional officer or peace officer is justified in using reasonable force, including deadly force, which is necessary to prevent the escape of any person from any jail, penal institution, correctional facility, or similar place of confinement, or place of trial or other judicial proceeding, or to prevent the escape from custody of any person who is being transported from any such place of confinement, trial or judicial proceeding to any other such place, except that deadly force may not be used to prevent the escape of one who the correctional officer or peace officer knows is confined on a charge or conviction of any class of misdemeanor.

[C79, 81, §704.8]

[2001 Acts, ch 131, §2](#)

704.9 Death.

A physician or a person acting on the direct orders of a physician who ceases to provide medical attention to a person who is dead, as death is defined in [section 702.8](#), shall not be criminally liable for such cessation of medical attention.

[C79, 81, §704.9]

704.10 Compulsion.

No act, other than an act by which one intentionally or recklessly causes physical injury to another, is a public offense if the person so acting is compelled to do so by another's threat

or menace of serious injury, provided that the person reasonably believes that such injury is imminent and can be averted only by the person doing such act.

[C79, 81, §704.10]

704.11 Police activity.

1. A peace officer or person acting as an agent of or directed by any police agency who participates in the commission of a crime by another person solely for the purpose of gathering evidence leading to the prosecution of such other person shall not be guilty of that crime or of the crime of solicitation as set forth in [section 705.1](#), provided that all of the following are true:

- a. The officer or person is not an instigator of the criminal activity.
- b. The officer or person does not intentionally injure a nonparticipant in the crime.
- c. The officer or person acts with the consent of superiors, or the necessity of immediate action precludes obtaining such consent.
- d. The officer's or person's actions are reasonable under the circumstances.

2. [This section](#) is not intended to preclude the use of undercover or surveillance persons by law enforcement agencies in appropriate circumstances and manner. It is intended to discourage such activity to tempt, urge or persuade the commission of offenses by persons not already disposed to commit offenses of that kind.

[C79, 81, §704.11]

[2013 Acts, ch 30, §261](#)

704.12 Use of force in making an arrest.

A peace officer or other person making an arrest or securing an arrested person may use such force as is permitted by [sections 804.8, 804.10, 804.13 and 804.15](#).

[C51, §2844; R60, §4553; C73, §4205; C97, §5200; C24, 27, 31, 35, 39, §13472; C46, 50, 54, 58, 62, 66, 71, 73, 75, 77, §755.8; C79, 81, §704.12]

704.13 Immunity.

A person who is justified in using reasonable force against an aggressor in defense of oneself, another person, or property pursuant to [section 704.4](#) is immune from criminal or civil liability for all damages incurred by the aggressor pursuant to the application of reasonable force.

[2017 Acts, ch 69, §43](#)