

# House File 414 - Introduced

HOUSE FILE \_\_\_\_\_  
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Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to the justifiable use of reasonable force.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
3 TLSB 2545HH 82  
4 jm/je/5

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1 1 Section 1. Section 704.1, Code 2007, is amended to read as  
1 2 follows:  
1 3 704.1 REASONABLE FORCE.  
1 4 "Reasonable force" is that force and no more which a  
1 5 reasonable person, in like circumstances, would judge to be  
1 6 necessary to prevent an injury or loss and can include deadly  
1 7 force if it is reasonable to believe that such force is  
1 8 necessary to avoid injury or risk to one's life or safety or  
1 9 the life or safety of another, or it is reasonable to believe  
1 10 that such force is necessary to resist a like force or threat.  
1 11 Reasonable force, including deadly force, may be used ~~even if~~  
~~1 12 an alternative course of action is available if the~~  
~~1 13 alternative entails a risk to life or safety, or the life or~~  
~~1 14 safety of a third party, or requires one to abandon or retreat~~  
~~1 15 from one's dwelling or place of business or employment, and a~~  
~~1 16 person has no duty to retreat, and has the right to stand the~~  
~~1 17 person's ground, and meet force with force, if the person~~  
~~1 18 believes reasonable force, including deadly force, is~~  
~~1 19 necessary under the circumstances to prevent death or serious~~  
~~1 20 injury to oneself or a third party, or to prevent the~~  
~~1 21 commission of a forcible felony.~~

1 22 Sec. 2. NEW SECTION. 704.4A IMMUNITY.

1 23 1. A person who uses reasonable force shall be immune from  
1 24 any criminal prosecution or civil action for using such force,  
1 25 unless the person against whom such force is used is a peace  
1 26 officer acting within the scope of the officer's duties and  
1 27 the peace officer identifies their identity, or the person  
1 28 knew or reasonably should have known the person is a peace  
1 29 officer.

1 30 2. A law enforcement agency may use standard investigating  
1 31 procedures for investigating the use of force, but the law  
1 32 enforcement agency shall not arrest a person for using force  
1 33 unless it determines there is probable cause that the force  
1 34 was unlawful under this chapter.

1 35 3. If a person is arrested and it is later determined by a  
2 1 court or jury that the person was justified in using  
2 2 reasonable force under the circumstances, the person shall be  
2 3 awarded reasonable attorney fees, court costs, compensation  
2 4 for loss of any income, and reimbursement of any other  
2 5 expenses incurred as a result of being arrested and charged.

2 6 EXPLANATION

2 7 This bill relates to the justifiable use of reasonable  
2 8 force.

2 9 The bill provides that a person may use reasonable force,  
2 10 including deadly force, and a person has no duty to retreat,  
2 11 and has a right to stand the person's ground, and meet force  
2 12 with force, if the person believes reasonable force, including  
2 13 deadly force, is necessary under the circumstances to prevent  
2 14 death or serious injury to oneself or a third party, or to  
2 15 prevent the commission of a forcible felony.

2 16 Current law provides that a person may use reasonable

2 17 force, including deadly force, even if an alternative course  
2 18 of action is available if the alternative entails a risk of  
2 19 life or safety or the life or safety of a third party, or  
2 20 requires one to abandon or retreat from one's residence or  
2 21 place of business.

2 22 The bill also provides that a person who uses reasonable  
2 23 force shall be immune from any criminal prosecution or civil  
2 24 action for using such force, unless the person against whom  
2 25 such force is used is a peace officer acting within the scope  
2 26 of the officer's duties and the peace officer identifies their  
2 27 identity, or the person knew or reasonably should have known  
2 28 the person is a peace officer.

2 29 Under the bill, a law enforcement agency shall not arrest a  
2 30 person for using force unless it determines there is probable  
2 31 cause that the force was unlawful under Code chapter 704.

2 32 The bill also provides that if a person is arrested and it  
2 33 is later determined by a court or jury that the person was  
2 34 justified in using reasonable force under the circumstances,  
2 35 the person shall be awarded reasonable attorney fees, court  
3 1 costs, compensation for loss of any income, and reimbursement  
3 2 of any other expenses incurred as a result of being arrested  
3 3 and charged.

3 4 LSB 2545HH 82

3 5 jm:nh/je/5