

Senate File 70 - Introduced

SENATE FILE 70
BY CHELGREN

A BILL FOR

1 An Act relating to the use of reasonable force, including
2 deadly force.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 704.1, Code 2017, is amended to read as
2 follows:

3 **704.1 Reasonable force.**

4 1. "Reasonable force" is that force and no more which
5 a reasonable person, in like circumstances, would judge to
6 be necessary to prevent an injury or loss and can include
7 deadly force if it is reasonable to believe that such force is
8 necessary to avoid injury or risk to one's life or safety or
9 the life or safety of another, or it is reasonable to believe
10 that such force is necessary to resist a like force or threat.

11 2. Reasonable force, including deadly force, may be used
12 even if an alternative course of action is available if the
13 alternative entails a risk to life or safety, or the life or
14 safety of a third party, or requires one to abandon or retreat
15 from one's dwelling or place of business or employment.

16 3. Reasonable force, including deadly force, may be used,
17 and a person has no duty to retreat from a person's dwelling
18 even if an alternative course of action is available, if the
19 person believes reasonable force, including deadly force, is
20 necessary to repel another person who has unlawfully entered
21 the person's dwelling by stealth or force or who is unlawfully
22 attempting to enter the person's dwelling by stealth or force,
23 and who has been told orally or in writing not to enter the
24 dwelling.

25 4. Reasonable force, including deadly force, may be used,
26 and a person has no duty to retreat from the person's property
27 surrounding the dwelling of the person, if the person believes
28 reasonable force, including deadly force, is necessary to
29 prevent another person from committing, or who is about to
30 commit, an aggravated misdemeanor or felony offense.

31 5. As used in this section, "dwelling" means a home owned
32 or rented by the person and used as the person's home, and
33 "property" means so much of the land owned or rented by the
34 person surrounding the dwelling as is reasonably necessary for
35 use of the dwelling as a home, such as a garage, barn, or other

1 outbuilding.

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EXPLANATION

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The inclusion of this explanation does not constitute agreement with
4 the explanation's substance by the members of the general assembly.

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5 This bill relates to the use of reasonable force, including
6 deadly force.

7 The bill provides that a person may use reasonable force,
8 including deadly force, and a person has no duty to retreat
9 from a person's dwelling even if an alternative course of
10 action is available, if the person believes reasonable force,
11 including deadly force, is necessary to repel another person
12 who has unlawfully entered the person's dwelling by stealth or
13 force, or who is unlawfully attempting to enter the person's
14 dwelling by stealth or force, and who has been told orally or
15 in writing not to enter the dwelling.

16 The bill provides that reasonable force, including
17 deadly force, may also be used, and a person has no duty to
18 retreat from the person's property surrounding the dwelling
19 of the person, if the person believes reasonable force,
20 including deadly force, is necessary to prevent another person
21 from committing, or who is about to commit, an aggravated
22 misdemeanor or felony offense.

23 The bill defines "dwelling" to mean a home owned or rented
24 by the person and used as the person's home. The bill defines
25 "property" to mean so much of the land surrounding the dwelling
26 as is reasonably necessary for use of the dwelling as a home,
27 such as a garage, barn, or other outbuilding.