

Amendment No. 445

Assembly Amendment to Assembly Bill No. 321

(BDR 15-963)

Proposed by: Assembly Committee on Judiciary**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) *orange double underlining* is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

MNM/BAW



Date: 4/17/2011

A.B. No. 321—Revises provisions relating to the use of force. (BDR 15-963)



ASSEMBLY BILL NO. 321—ASSEMBLYMEN OCEGUERA, ANDERSON, KIRKPATRICK, ATKINSON, HAMBRICK; AIZLEY, BENITEZ-THOMPSON, BOBZIEN, BUSTAMANTE ADAMS, CARRILLO, CONKLIN, DALY, DIAZ, DONDERO LOOP, ELLISON, FLORES, FRIERSON, GOEDHART, GOICOECHEA, GRADY, HAMMOND, HANSEN, HARDY, HICKEY, HOGAN, HORNE, KIRNER, KITE, LIVERMORE, MCARTHUR, MUNFORD, NEAL, OHRENSCHALL, SEGERBLOM, SHERWOOD, SMITH, STEWART AND WOODBURY

MARCH 18, 2011

JOINT SPONSORS: SENATORS HARDY;
GUSTAVSON, HORSFORD AND LEE

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to the use of force. (BDR 15-963)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the use of force; revising the provisions governing justifiable homicide; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing case law, there is no duty to retreat before using deadly force if the person using deadly force is not the original aggressor and reasonably believes that he or she is about to be killed or seriously injured. (*Culverson v. State*, 106 Nev. 484 (1990)) This bill provides that under the defense of justifiable homicide there is no duty to retreat if the person using deadly force: (1) is not the original aggressor; (2) has a right to be present at the location where deadly force is used; and (3) is not actively engaged in conduct in furtherance of criminal activity at the time deadly force is used.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 200.120 is hereby amended to read as follows:
200.120 **1.** Justifiable homicide is the killing of a human being in necessary self-defense, or in defense of habitation, property or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony, or against any person or persons who manifestly intend and endeavor, in a violent, riotous, tumultuous or surreptitious manner, to enter the habitation of another for

1 the purpose of assaulting or offering personal violence to any person dwelling or
2 being therein.

3 2. A person is not required to retreat before using deadly force as provided
4 in subsection 1 if the person:

5 (a) Is not the original aggressor;

6 (b) Has a right to be present at the location where deadly force is used; and

7 (c) Is not actively engaged in conduct in furtherance of criminal activity at
8 the time deadly force is used.