

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

Joint Sponsors: Senators Hardy;
Gustavson, Horsford and Lee

CHAPTER.....

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.

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

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

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

(a) *Is not the original aggressor;*

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



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

