

SECOND REGULAR SESSION

HOUSE BILL NO. 1477

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE DINKINS.

3105H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 563.074, RSMo, and to enact in lieu thereof one new section relating to immunity for defending a person's property.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 563.074, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 563.074, to read as follows:

563.074. 1. **(1)** Notwithstanding the provisions of section 563.016, a person who uses force as described in sections 563.031, ~~[563.041,]~~ 563.046, 563.051, 563.056, and 563.061 is justified in using such force and such fact shall be an absolute defense to criminal prosecution or civil liability.

~~[2.]~~ **(2)** The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the defendant in defense of any civil action brought by a plaintiff if the court finds that the defendant has an absolute defense as provided in **subdivision (1) of this subsection** ~~[+ of this section]~~.

2. (1) Notwithstanding the provisions of section 563.016, a person who uses force as described in section 563.041 is justified in using such force and is immune from criminal prosecution and civil action for the use of such force.

(2) The court shall award attorney's fees, court costs, and all reasonable expenses incurred by the defendant in defense of any civil action brought by a plaintiff or in any criminal prosecution if the court finds that the defendant is immune as provided in subdivision (1) of this subsection.

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EXPLANATION — Matter enclosed in bold-faced brackets ~~[thus]~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.