

HOUSE BILL 1802

By Capley

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to the defense of property.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-614, is amended by deleting subsection (c) and substituting instead the following:

(c)

(1) Except as provided in subdivision (c)(2), a person is justified in using deadly force against another:

(A) If the person would be justified in using force against another under subsection (a) or (b);

(B) When and to the degree the person reasonably believes deadly force is immediately necessary to prevent or terminate the other's actual or attempted trespass; arson; damage to property, including damage to livestock; burglary; theft; robbery; or aggravated cruelty to animals; and

(C) The person reasonably believes:

(i) The property cannot be protected or the other's actions terminated by any other means; or

(ii) The use of force other than deadly force to protect or terminate the other's actions would expose the person or a third person to a risk of death or serious bodily injury.

(2) A person is not justified in using deadly force against another individual under this section if the individual is facing away from the person.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.