

1 S.184

2 Introduced by Senators Benning, Sears, Brock, Chittenden, Collamore,
3 Cummings, Ingalls, Lyons, McCormack, Nitka, Parent,
4 Perchlik, Starr, Terenzini, Westman and White

5 Referred to Committee on Judiciary

6 Date: January 4, 2022

7 Subject: Crimes; justifiable homicide

8 Statement of purpose of bill as introduced: This bill proposes to clarify that a
9 person may use deadly force to stop another person from committing murder,
10 sexual assault, aggravated sexual assault, burglary, or robbery if the person
11 reasonably believed that the deadly force was necessary to repel imminent
12 peril to the person or to any other person.

13 An act relating to defense of others and justifiable homicide

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 ~~Sec. 1. 13 V.S.A. § 2305 is amended to read:~~

16 § 2305. JUSTIFIABLE HOMICIDE

17 If a person kills or wounds another under any of the circumstances

18 ~~enumerated below, he or she the person shall be guiltless.~~

1 ~~(1) in the just and necessary defense of the person's own life or the life~~
2 ~~of the person's spouse, parent, child, sibling, guardian, or ward; or~~

3 ~~(2) if the person reasonably believed that he or she the person, or any~~
4 ~~other person, was in imminent peril and that it was necessary to repel that peril~~
5 ~~with deadly force; in the forceful or violent suppression of a person attempting~~
6 ~~to commit murder, sexual assault, aggravated sexual assault, burglary, or~~
7 ~~robbery; or~~

8 ~~(3) in the case of a law enforcement officer as defined in 20 V.S.A.~~
9 ~~§ 2351(a) using force in compliance with 20 V.S.A. § 2368(b)(1)–(2) and (5)~~
10 ~~or deadly force in compliance with 20 V.S.A. § 2368(c)(1)–(4) and (6).~~

11 Sec. 2. EFFECTIVE DATE

12 ~~This act shall take effect on passage.~~

Sec. 1. 13 V.S.A. § 2305 is amended to read:

§ 2305. JUSTIFIABLE HOMICIDE

(a) If a person kills or wounds another under any of the circumstances enumerated below, ~~he or she~~ the person shall be guiltyless:

(1) in the just and necessary defense of the person's own life or the life of ~~the person's spouse, parent, child, sibling, guardian, or ward~~ any other person; or

(2) if the person reasonably believed that ~~he or she~~ the person, or any other person, was in imminent peril and that it was necessary to repel that peril with deadly force; in the forceful or violent suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery; or

(3) in the case of a law enforcement officer as defined in 20 V.S.A. § 2351(a) using force in compliance with 20 V.S.A. § 2368(b)(1)–(2) and (5) or deadly force in compliance with 20 V.S.A. § 2368(c)(1)–(4) and (6).

(b) This section shall not be construed to limit or infringe upon defenses granted at common law.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.