

SF0071S2002

1 Page 1-line 3 Delete "the opportunity to retreat may be".
2
3 Page 1-line 4 Delete "considered" and insert "no duty to
4 retreat exists"; delete "criminal or".
5
6 Page 1-line 7 After "definition;" insert "providing
7 conforming amendments;".
8
9 Page 1-line 12 Delete entirely.
10
11 Page 2-lines 2 through 22 Delete entirely.
12
13 Page 3-lines 1 through 10 Delete entirely.
14
15 Page 3-line 12 Delete "**Section 2.**" and insert "**Section 1.**";
16 after "and" delete balance of line.
17
18 Page 3-line 13 Delete entirely and insert "6-2-602".
19
20 Page 4-lines 2 through 6 Delete entirely.
21
22 Page 4-line 8 Delete "(c)" and insert "(b)".
23
24 Page 4-line 13 Delete "unless the".
25
26 Page 4-lines 14 through 17 Delete entirely and insert "if he
27 proves by a preponderance of the evidence
28 that he used reasonable defensive force
29 under W.S. 6-2-602.".
30
31 Page 4-line 19 Delete "(d)" and insert "(c)".
32
33 Page 4-line 22 After "reasonable" insert "defensive".
34
35 Page 5-after line 5 Insert:
36
37 "(a) The use of defensive force is reasonable when it is
38 the defensive force that a reasonable person in like
39 circumstances would judge necessary to prevent an injury or
40 loss, and no more, including deadly force if necessary to
41 prevent imminent death or serious bodily injury to the person
42 employing the deadly force or to another person.
43

1 ~~(a)~~(b) A person is presumed to have held a reasonable fear
2 of imminent peril of death or serious bodily injury to himself
3 or another when using defensive force ~~that is intended or likely~~
4 ~~to cause death or serious bodily injury to another~~, including
5 deadly force if:

6
7 (i) The intruder against whom the defensive force was
8 used was in the process of unlawfully and forcefully entering,
9 or had unlawfully and forcibly entered, another's home or
10 habitation or, if that intruder had removed or was attempting to
11 remove another against his will from his home or habitation; and
12

13 (ii) The person who uses defensive force knew or had
14 reason to believe that an unlawful and forcible entry or
15 unlawful and forcible act was occurring.
16

17 ~~(b)~~(c) The presumption set forth in subsection ~~(a)~~~~(b)~~ of
18 this section does not apply if:

19
20 (i) The person against whom the defensive force is
21 used has a right to be in or is a lawful resident of the home or
22 habitation, such as an owner, lessee or titleholder, and there
23 is not an injunction for protection from domestic violence or a
24 written pretrial supervision order of no contact against that
25 person;
26

27 (ii) The person sought to be removed is a child or
28 grandchild, or is otherwise in the lawful custody or under the
29 lawful guardianship of, the person against whom the defensive
30 force is used; or
31

32 (iii) The person against whom the defensive force is
33 used is a peace officer or employee of the Wyoming department of
34 corrections who enters or attempts to enter another's home or
35 habitation in the performance of his official duties.
36

37 ~~(e)~~(d) A person who unlawfully and by force enters or
38 attempts to enter another's home or habitation is presumed to be
39 doing so with the intent to commit an unlawful act involving
40 force or violence.
41

42 (e) A person who is attacked in any place where the person
43 is lawfully present shall not have a duty to retreat before
44 using reasonable defensive force pursuant to subsection (a) of
45 this section provided that he is not the initial aggressor and
46 is not engaged in illegal activity."
47

1 Page 5-line 7 Strike "(d)" and insert "(f)".
2
3 Page 5-after line 7 Insert:
4
5 "(iii) "Deadly force" means force that is intended or
6 likely to cause death or serious bodily injury.".
7
8 Page 5-lines 9 through 23 Delete entirely.
9
10 Page 6-lines 1 through 3 Delete entirely.
11
12 Page 6-line 5 Delete "**Section 3.**" and insert "**Section 2.**".
13 PERKINS