

SENATE BILL 5140

State of Washington

52nd Legislature

1991 Regular Session

By Senators McCaslin, Patterson and L. Smith.

Read first time January 22, 1991. Referred to Committee on Law & Justice.

1 AN ACT Relating to the use of physical force against intruders;
2 adding a new section to chapter 9A.16 RCW; and creating a new section.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** The legislature hereby recognizes that the
5 citizens of the state of Washington have a right to expect absolute
6 safety within their own homes.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.16 RCW
8 to read as follows:

9 (1) Notwithstanding RCW 9A.16.020 and 9A.16.050, an occupant of a
10 dwelling is justified in using any degree of physical force, including
11 deadly physical force, against another person when:

12 (a) That other person has made an unlawful entry into the dwelling;

13 (b) The occupant has a reasonable belief that such other person has
14 committed a crime in the dwelling in addition to the uninvited entry,

1 or is committing or intends to commit a crime against a person or
2 property in addition to the uninvited entry; and

3 (c) The occupant reasonably believes that such other person might
4 use any physical force, no matter how slight, against any occupant.

5 (2) An occupant of a dwelling using physical force, including
6 deadly physical force, in accordance with the provisions of subsection
7 (1) of this section shall be immune from criminal prosecution for the
8 use of such force.

9 (3) An occupant of a dwelling using physical force, including
10 deadly physical force, in accordance with the provisions of subsection
11 (1) of this section shall be immune from any civil liability for
12 injuries or death resulting from the use of such force.