

JAN 23 2009

S.B. NO. 592

A BILL FOR AN ACT

RELATING TO USE OF DEADLY FORCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 663, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§663- Exception to liability for use of deadly force
5 for the protection of a primary dwelling. Any actor who uses
6 deadly force in accordance with section 703- shall be immune
7 from civil liability for injuries or damages, or both, resulting
8 from the use of that deadly force."

9 SECTION 2. Chapter 703, Hawaii Revised Statutes, is
10 amended by adding a new section to be appropriately designated
11 and to read as follows:

12 "§703- Use of deadly force for the protection of a
13 primary dwelling. (1) Notwithstanding any other provision of
14 law, the use of deadly force upon or toward the person of
15 another is justifiable when the actor uses deadly force to
16 defend the actor's primary dwelling, provided that the person
17 against whom the deadly force is used:



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- 1 (a) Has entered the actor's primary dwelling without
- 2 invitation;
- 3 (b) Is inside the actor's primary dwelling at the time the
- 4 actor uses deadly force; and
- 5 (c) Is not a law enforcement officer who enters the
- 6 dwelling in the performance of the officer's official
- 7 duties."

8 SECTION 3. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: David J. Ly (BR)



Report Title:

Justification; Use of Deadly Force

Description:

Allows the use of deadly force when protecting one's primary dwelling against an intruder who enters the primary dwelling without invitation. Exempts the actor from civil liability for injuries or damages resulting from the use of deadly force.

