

1 HOUSE BILL 168

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Rick Little

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10 AN ACT

11 RELATING TO CRIMINAL OFFENSES; PROVIDING FOR THE PRESUMPTION OF  
12 A REASONABLE BELIEF IN THE NECESSITY OF USING DEADLY FORCE.

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14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. Section 30-2-7 NMSA 1978 (being Laws 1963,  
16 Chapter 303, Section 2-8) is amended to read:

17 "30-2-7. JUSTIFIABLE HOMICIDE OR USE OF FORCE BY  
18 CITIZEN.--

19 A. Homicide or use of force, including deadly  
20 force, is justifiable when committed by any person in any of  
21 the following cases:

22 [~~A.~~] (1) when committed in the necessary  
23 defense of [~~his~~] the person's life, [~~his~~] family or [~~his~~]  
24 property or in necessarily defending against any unlawful  
25 action directed against [~~himself, his wife~~] the person or the

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1 person's spouse or family;

2           ~~[B-]~~ (2) when committed in the lawful defense  
3 of ~~[himself]~~ that person or of another and when there ~~[is a]~~  
4 are reasonable ~~[ground]~~ grounds to believe a design exists to  
5 commit a felony or to do some great personal injury against  
6 such person or another, and there is imminent danger that the  
7 design will be accomplished; or

8           ~~[G-]~~ (3) when necessarily committed in  
9 attempting, by lawful ways and means, to apprehend any person  
10 for any felony committed in ~~[his]~~ the person's presence or in  
11 lawfully suppressing any riot or in necessarily and lawfully  
12 keeping and preserving the peace.

13           B. The person's belief under Subsection A of this  
14 section that the use of force, including deadly force, was  
15 necessary is presumed to be reasonable if the person:

16                   (1) knew or had reason to believe that the  
17 person against whom the deadly force was used:

18                           (a) unlawfully and with force entered,  
19 or was attempting to enter unlawfully and with force, the  
20 person's occupied habitation, vehicle or place of business or  
21 employment;

22                           (b) unlawfully and with force removed,  
23 or was attempting to remove unlawfully and with force, the  
24 person, person's spouse or family from the person's habitation,  
25 vehicle or place of business or employment; or

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(c) was committing or attempting to  
commit a felony;  
(2) did not provoke the person against whom  
the force was used; and  
(3) was not otherwise engaged in criminal  
activity."