

HOUSE BILL 856

By Capley

AN ACT to amend Tennessee Code Annotated, Title 39,
relative to the use of force.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 39-11-614, is amended by deleting subsection (c) and substituting instead the following:

(c) A person is justified in using deadly force against another:

(1) If the person would be justified in using force against another under subsection (a) or (b);

(2) When and to the degree the person reasonably believes deadly force is immediately necessary to prevent or terminate the other's actual or attempted trespass; arson; damage to property; burglary; theft; robbery; or aggravated cruelty to animals, serious bodily injury, or death to animals or livestock; and

(3) The person reasonably believes:

(A) The property cannot be protected or the other's actions terminated by any other means; or

(B) The use of force other than deadly force to protect or terminate the other's actions would expose the person or a third person to a risk of death or serious bodily injury.

SECTION 2. Tennessee Code Annotated, Section 39-11-621, is amended by deleting "self-defense or defense of third person statutes, §§ 39-11-611 and 39-11-612" and substituting "self-defense, defense of third person, or protection of property statutes, §§ 39-11-611, 39-11-612, and 39-11-614".

SECTION 3. Tennessee Code Annotated, Section 39-11-602, is amended by deleting subdivision (2).

SECTION 4. Tennessee Code Annotated, Section 39-11-106(a), is amended by adding the following as a new subdivision:

() "Deadly force" means force that is intended or known by the defendant to cause or, in the manner of its use or intended use, is capable of causing death or a substantial risk of death and does not include the display of a weapon, the brandishing of a weapon, or the use of force in circumstances that do not result in death or serious bodily injury;

SECTION 5 Tennessee Code Annotated, Section 39-11-616(a)(1), is amended by deleting "substantial risk of causing death or serious bodily harm" and substituting "substantial probability of causing a substantial risk of death, protracted unconsciousness, or extreme physical pain".

SECTION 6. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 7. This act takes effect upon becoming a law, the public welfare requiring it.