

State	Expansion of Castle Doctrine?	Date of Expansion	Scope of Doctrine	Reasonableness Requirement	Presumption of Reasonableness	Imminent Danger	Civil Immunity	Cases	Pending/Introduced Legislation	Notes	Citation
Alabama	Y	2006	<ul style="list-style-type: none"> Use of deadly force and no duty to retreat at any place where he or she has the right to be. Presumption that one is justified in using deadly physical force in self-defense or the defense of others if the person reasonably believes that another person is in the process of unlawfully and forcibly entering, or has unlawfully and forcibly entered, a dwelling, residence, or occupied vehicle, or a federally licensed nuclear power facility, or is attempting to remove, or has forcibly removed, a person against his or her will from any dwelling, residence or occupied vehicle where the person has a legal right to be there, and provided that the person using the deadly physical force knows or has reason to believe that an unlawful and forcible entry or unlawful and forcible act is occurring. (§§ 13A-3-20 and 3-23) 	Y	Y in specified situations.	Y	Y for criminal and civil legal action for persons justified to use lawful force and deadly physical force in self-protection or the protection of others.		2012 AL H.B. 694 Seeks to exclude original pursuers from claiming self-defense.		Ala. Code §§ 13A-3-20 and -23
Alaska	Y	2006	<ul style="list-style-type: none"> Use of deadly force in defense of self or third person, and no duty to retreat When: reasonable belief that self-defense is necessary against death, serious physical injury, kidnapping, sexual assault, robbery, arson, or burglary Where: on premises that the person owns or leases, where the person resides temporarily or permanently as a guest an express or implied agent of the owner, lessor, or resident, a peace officer acting within the scope and authority of the officer's employment or a person assisting a peace officer, in a building where the person works in the ordinary course of the person's employment, or (anywhere) protecting a child or member of the person's household, inside and outside vehicle against carjacking or theft of that vehicle when another person, other than the perceived offender, is inside the vehicle. 	Y	N	N	Y		2011 AK H.B. 80 Proposes expanding where one can use deadly force.	Criminal and civil immunity was also provided under the old statute.	Alaska Stat. §§ 11.81.330, 335, 340, 350
Arizona	Y	2006, 2010, 2011	<ul style="list-style-type: none"> Use of deadly force and no duty to retreat When: reasonable belief immediately necessary to prevent imminent or actual arson of occupied structure, burglary, kidnapping, manslaughter, murder, sexual conduct with a minor, sexual assault, child molestation, armed robbery, or aggravated assault Where: at home, residence, place of business, land the person owns or leases, conveyance of any kind, vehicle or any other place in Arizona where a person has a right to be Presumption of imminent danger when intruding home or occupied vehicle. A.R.S. § 13-419 	Y	Y if the person is acting against another person who unlawfully or forcibly enters or enters the person's residential structure or occupied vehicle (with exception)	Y	Y				A.R.S. §§ 13-411, -413, -418, -419
Arkansas	N	1984	<ul style="list-style-type: none"> Use of force justified to defend self or third person if there is reasonable belief of use or imminent use of unlawful physical force by another. (§ 5-2-406) Use of deadly force is justified if there is a reasonable belief that forcible/violent felony is about to be committed or if there is use of imminent use of unlawful deadly physical force. (§ 5-2-607) Use of force to defend premises is justified if there is a reasonable belief it is necessary to prevent/terminate criminal trespass; use of deadly force justified if authorized by § 5-2-607 or there is a reasonable belief it is necessary to prevent commission of arson or burglary. (§ 5-2-608) Legal presumption that force used in defense of self, other, or property was used in lawful and necessary manner, unless overcome by clear and convincing evidence. (§ 5-2-620) 	Y	Presumption that force was used in a lawful and necessary manner	Y	N		<ul style="list-style-type: none"> Stand Your Ground Bill (HB 1027) introduced in December 2006 but died in House Committee in May 2007. Bill would have amended § 5-2-607 by creating presumption of reasonableness, no duty to retreat where person has right to be and civil immunity. Castle Doctrine Bill (HB 1890) introduced on March 4, 2009 but withdrawn on March 25, 2009 and was very similar to HB 1027. 	Although the statute appears to have expanded portions of the Castle Doctrine, these provisions were in place prior to Florida's expansion in 2005.	A.C.A. §§ 5-2-606, -607, -608, -620
California	N	NA	<ul style="list-style-type: none"> Homicide justified if committed in defense of habitation, property or other person if aggressor intends to commit violent felony or violently enters into habitation, or if homicide is committed in defense of person when there is reasonable ground for the person to apprehend a design to commit felony or do great bodily injury and there is imminent danger of such design being accomplished. (§ 197) Circumstances must be sufficient to excite fears of reasonable person. (§ 198) Use of deadly force in own residence is presumed to have been used with reasonable fear of imminent peril of death/great bodily injury. (§ 198.5) Killing in defense of self/other is justified if reasonable belief of imminent danger. (505) Killing within own home is justified if reasonable belief that danger was imminent and defendant not required to retreat. (506) 	Y	Y (applies to use of force in own residence)	Y	N			California's Castle Doctrine can be found in the California Penal Code as well as in jury instructions. It was in existence prior to Florida's expansion of Castle Doctrine.	<ul style="list-style-type: none"> Cal. Penal Code §§ 197, 198, 198.5, 704.5, -705 CALCRIM 505, 508
Colorado	N	NA	<ul style="list-style-type: none"> Use of physical force justified to defend self/other if there is a reasonable belief of imminent use of unlawful physical force; use of deadly force is only justified if there is a reasonable and actual belief of imminent danger of being killed. (§ 18-1-704) Use of deadly physical force justified in own dwelling if there is a reasonable belief that aggressor has committed, is committing, or intends to commit crime in the dwelling and a reasonable belief of physical force; if use of force is justified under this section, then the defendant is immune from criminal prosecution and civil liability. (§ 18-1-704.5) 	Y	N	Y	Y	<ul style="list-style-type: none"> People v. Tyler, 9 P.3d 341 (2000) - Neither statute nor common law require a non-aggressor who is entitled to use deadly physical force in self-defense to retreat before use of force, regardless of whether person is in place where has right to be. People v. McNeese, 892 P.2d 304 (1995) - Immunity only applies if occupant proves by preponderance of evidence that there was unlawful entry and occupant has reasonable belief that intruder intended to commit or had committed crime in dwelling. 	2012 CO H.B. 1088 Proposes extending castle doctrine from only applying to dwelling, to also apply to place of business. Passed House February 13, 2012. Postponed indefinitely in Senate March 5, 2012.	Although some of Colorado's provisions expand the Castle Doctrine, most sections have not been amended for many years, with all significant changes occurring prior to Florida's expansion in 2005.	C.R.S.A. §§ 18-1-704, 704.5, -705
Connecticut	Y	prior to 1992	<ul style="list-style-type: none"> Justifiable use of deadly force and no duty to retreat When: the actor reasonably believes that another person is (1) using or about to use deadly physical force; or (2) inflicting or about to inflict great bodily harm Where: in dwelling or place of work 	Y	N	Y	N		2012 CT H.B. 5345 Seeks to expand officers who have no duty to retreat outside of dwelling to include special agents and officers of the Secret Service.	Legislative history as of 1992 shows that Connecticut law provided for justifiable use of deadly force and no duty to retreat before 1992. 2006 amendment exempted certain categories of people (DMV inspector, motor vehicle inspector) from duty to retreat from aggressors.	Conn. Gen. Stat. § 53b-19
Delaware	N	NA	<ul style="list-style-type: none"> Use of force justified to defend self if person believes that force is immediately necessary. (§ 464) Use of deadly force to defend self justified if person believes that it is necessary to protect against death/serious physical injury, unless such injury can be avoided with complete safety, except if person is in own dwelling or place of work. (§ 464) Use of force to protect another justified if justified under § 464, but no duty to retreat unless the person can secure complete safety of the other; not obliged to retreat if in other's dwelling or place of work. (§ 465) Use of force to protect property justified if person believes it is immediately necessary to prevent entry upon property; no civil liability for such use of force. (§ 466) 	N, except as to defense of property under certain circumstances (§ 466(c)(2)(b))	N	N	Y (only if using force to protect own property and has not been convicted of any crime/offense connected with use of such force)	Case notes to the statute indicate that while the reasonableness of the use of force is a factor in deciding a witness's credibility, the standard for deciding whether force was necessary is ultimately subjective. E.g., Moor v. Licardello, 463 A.2d 268, 270-71 (Del. 1983) ("The rule followed in a majority of the states and formerly followed in Delaware as to a claim of self-defense stresses an evaluation of a defendant's conduct from the standpoint of a reasonable man. . . . This was the approach in Delaware until 1973. . . . Under the revised statute, 11 Del. C. § 464, a person's conduct in self-defense must be analyzed from the standpoint of his subjective belief.")		Any expansive qualities of state's self-defense laws have not been amended since 1995.	11 Del. C. §§ 464, 465, 466, 469

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District of Columbia	N	NA	<ul style="list-style-type: none"> Use of deadly force not justified to defend self or others Exceptions for law enforcement officers and private correctional officers. 	N/A	N/A	N/A	N/A			No Stand Your Ground or Castle Doctrine in D.C.	D.C. Code §§ 24-22-4504, -22-4505, -7-2507.06a, -24-261.02
Florida	Y	2005	<ul style="list-style-type: none"> Justifiable use of deadly force and no duty to retreat When: person reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another or to prevent the imminent commission of a forcible felony Where: at any place where a person has a right to be as long as the person is not engaged in an unlawful activity 	Y	Y	Y	Y	<ul style="list-style-type: none"> Bulley v. VII. Great Nght. Co., 502 F. Supp. 2d 1361 (M.D. Fla. 2008). Smiley v. State, 966 So. 3d 330 (Fla. 2007). State v. Smiley, 972 So. 3d 1000 (Fla. Dist. Ct. App. 4th Dist. 2008). State v. Heckman, 993 So. 2d 1004 (Fla. Dist. Ct. App. 2d Dist. 2007). Williams v. State, 982 So. 2d 1190 (Fla. Dist. Ct. App. 6th Dist. 2008). McWhorter v. State, 971 So. 154 (Fla. Dist. Ct. App. 6th Dist. 2007). Michal v. State, 965 S. 2d 246 (Fla. 2008). 		A person who unlawfully and by force enters or attempts to enter a person's dwelling, residence, or occupied vehicle is presumed to be doing so with the intent to commit an unlawful act involving force or violence. Fear of death or great bodily injury is presumed when other person was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered a dwelling, residence, or occupied vehicle, or if that person had removed or was attempting to remove another against that person's will from dwelling.	Fla. Stat. §§ 776.012, 013, 031, 032, 041
Georgia	Y	2006	<ul style="list-style-type: none"> Justifiable use of deadly force and no duty to retreat (no test in defense of self or others, in defense of a habitation, or to terminate or prevent trespass on or other trespass or criminal interference with real property). General rule is that deadly force can be used only when the person reasonably believes that such force is necessary to prevent death or great bodily injury to himself or herself or a third person or to prevent the commission of a forcible felony. A person's use of deadly force is justified in defense of habitation only if (1) the entry is made or attempted in a violent and tumultuous matter and (2) the person reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person dwelling or being therein and that such force is necessary to prevent the assault or offer of personal violence; (2) that force is used against another person who is not a member of the family or household and who unlawfully and forcibly enters or has unlawfully and forcibly entered the residence and the person using such force knew or had reason to believe that an unlawful and forcible entry occurred; or (3) the person using such force reasonably believes that the entry is made or attempted for the purpose of committing a felony therein and that such force is necessary to prevent the commission of the felony. A person's use of force in defense of real property is limited to real property lawfully in the person's possession, lawfully in the possession of a member of his immediate family, or belonging to a person whose property he has a legal duty to protect. 	Y	N	Y	N		2011 GA H.B. 1308 Would repeal no duty to retreat and conflicting laws		O.C.G.A. §§ 16-3-21, 23, 23-1, -24, -24.2.
Hawaii	Y	1993, 2011	<ul style="list-style-type: none"> No duty to retreat in dwelling or place of work. § 703-304 Duty to retreat in place other than dwelling or place of work, if able to do so in "complete safety." § 703-304 Also, use of deadly force only allowed when actor believes necessary (only viable means) and a specified harm is present (threat of death, serious bodily harm, kidnapping, rape, or forcible sodomy) § 703-304 	N	N/A	N	Y (limited to specific circumstances, see 665-1.57)		Multiple bills introduced in 2009 seeking to remove any duty to retreat (such as, SB. No. 236 and SB. No. 347) and to remove civil liability from use of firearm for self-defense while on one's own property (SB. No. 1617); bills carried over to 2010 regular session.	Prior case law required reasonable belief, imminent danger, and retreat if able to do so in complete safety. Legislation completely removed reasonable belief and imminent danger requirements; retreat now not required in dwelling or place of work. Comments state that "it should be the strong principle of any criminal code to prevent death whenever possible."	Haw. Rev. Stat. §§ 703-304 & -305, 663-1.57
Iaho	Y	2006	<ul style="list-style-type: none"> Justifiable use of deadly force, and no duty to retreat When resisting any attempt to murder any person, or to commit a felony, or to do some great bodily injury upon any person When committed in defense of habitation, property or person, against one who manifestly intends or endeavors, by violence or surprise, to commit a felony or violence against a person When committed in the lawful defense of such person, or of a wife or husband, parent, child, master, mistress or servant of such person, when there is reasonable ground to apprehend a design to commit a felony or to do some great bodily injury, and imminent danger of such design being accomplished, but only after good faith attempt to pacify combat When necessarily committed in attempting, by lawful ways and means, to apprehend any person for any felony committed, or in lawfully suppressing any riot, or in lawfully keeping and preserving the peace 	Y	N	Y	Y	State v. Newman, 70 Idaho 164 (1950) (The Supreme Court held that "where the attack is sudden and the danger imminent, [defendant] may increase his danger by retreat, so situated, he may stand his ground, that becoming his 'wall,' and stay his aggressor, even if it be proved that he might more easily have gained safety by flight". State v. Livesay, 71 Idaho 442 (1951).		2006 Amendment expanded already broad "Castle Doctrine" in Idaho by providing for civil immunity for a person using force (including deadly force) as justified as self-defense.	Idaho Code §§ 6-606, 18-4009, 19-201 through 19-205.
Illinois	Y	7/28/2004	<ul style="list-style-type: none"> No duty to retreat, unless person was the initial aggressor. §§ 7-1 (defense of person), 7-2 (defense of dwelling), and 7-4 (by aggression). A person "is justified in the use of [deadly] force . . . only if he reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or another, or the commission of a forcible felony." § 7-1 (defense of a person) A person may use deadly force to defend dwelling if entry made is violent and there is a reasonable belief that force is necessary to prevent other personal violence or a felony in dwelling. § 7-2 (defense of a dwelling) Person using justified force is protected from civil liability. §§ 7-1(b) and 7-2(b). 	Y	N	Y	Y				720 ILCS 5/7-1 through 7-14
Indiana	Y	2006, 2012	<ul style="list-style-type: none"> Justifiable use of deadly force and no duty to retreat if the person reasonably believes that the force is necessary. to prevent serious bodily injury to the person or a third person, or the commission of a forcible felony (no geographical limitation). to prevent or terminate the other person's (including police officers and federal agents) unlawful entry or attack on the person's dwelling, curtilage, or occupied motor vehicle. to prevent or stop the other person from hacking, attempting to hack, or otherwise seizing or attempting to seize unlawful control of an aircraft in flight. to immediately prevent or terminate the other person's trespass on or criminal interference with property, other than a dwelling, curtilage, or an occupied motor vehicle, lawfully in possession of a member of the person's immediate family, or belonging to a person whose property the person has authority to protect. 	Y	N	Y	Y	Lemon v. State 868 N.E.2d 1190 (2007) (clarifying that the imminent danger requirement has to be met for justifiable use of force whether the force was used to defend person or property)	2012 Ind. SEA 1 New amendment has been enacted which says a duty to retreat even in face of police unlawfully, also gives exceptions for when there is a duty to retreat from public servant, such as when person is initial aggressor	2006 amendment removed duty to retreat. 2002 amendment added the airplane hijacking justification. 2012 added defense of unlawful entry entry against police officers and federal agents	Burns Ind. Code Ann § 35-41-3-2 2012 Ind. SEA 1.

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Iowa	Y	1997	<ul style="list-style-type: none"> No duty to retreat when using reasonable force, including deadly force, in self defense or defense of others in dwelling or place of business. §§ 704.1, 704.3 Actor must have reasonable belief that force is necessary to prevent injury or death. § 704.1 If not in dwelling or place of business, actor must retreat if able to do so without "ensuing a risk to life or safety." § 704.1 A person is justified in the use of reasonable force to prevent or terminate criminal interference with the person's possession or other right in property. § 704.4 	Y	N	Y	N	<p>State v. Marin, No 9-578/08-0355, 2009 Iowa App. LEXIS 1408, at *12-14 (Iowa Ct. App. 2009) (explaining why legislation expanded the rule to eliminate duty to retreat from "place of employment")</p>	<ul style="list-style-type: none"> 2011 IA S.B. 253 Seeks to extend no duty to retreat to stand your ground from dwelling and place of business to anywhere. 2011 IA H.S.B. 36 Seeks the same as above, in different language 2011 IA H.B. 2215 Seeks to turn over reasonable belief, and removes duty to retreat from anyone who is not engaging in illegal activity. Prohibits finder of fact to look at whether retreat was an option in order to determine whether use of force was reasonable in terms of preventing loss, injury or risk to life or safety. 2011 IA H.B. 573 Seeks the same as above, but reasonable force needs to be to prevent injury or death (not just general "loss"). 2011 IA H.B. 7 Proposes removing duty to retreat if force is reasonably used to prevent commission of a forcible felony, or death or serious injury for self or other. 	Iowa Code §§ 704.1 (Dwelling reasonable force), 704.3 (Defense of self or other), 704.4 (Defense of property), 704.7	
Kansas	Y	2006, 2011	No duty to retreat anywhere where a person has a right to be, deadly force may reasonably be used, and there is a presumption of reasonableness. 2011 Bill Text KS H.B. 2339 (interim act until sections 21, through 32, and 148, of chapter 136 of the 2010 session laws of Kansas go into effect).	Y	Y	Y	Y		<p>2011 KS H.B. 2339</p> <p>Adds presumption of reasonable belief for sections prior to their repeal</p>	Prior to 2006 amendments, statute required reasonable belief for use of non-deadly force. Use of deadly force, no duty to retreat and immunity clauses were all added in 2006. K.S.A. §§ 21-3211, -3212, -3218, -3219 were repealed in 2011.	K.S.A. §§ 21-3211, -3212, -3218, -3219 Pending effective date of 2011 KS H.B. 2339
Kentucky	Y	2006	<ul style="list-style-type: none"> Use of force/lethal force in defense of self/other is justified if person believes it is necessary to protect from imminent forcible attack against death, respectively, no duty to retreat prior to using deadly force. (§§ 503.050, 503.070) Presumption of reasonable fear of imminent death if aggressor is in the process of entering or had unlawfully entered dwelling, residence, or occupied vehicle and the person has a reasonable belief that the act was occurring or had occurred. No duty to retreat from place where person has right to be and the person has a reasonable belief deadly force is necessary. (§ 503.055) Person using justified force is immune from criminal prosecution and civil action. (§ 503.085) 	Y	Y (applies to use of force in self defense in a dwelling)	Y	Y		<p>2012 KY S.B. 218</p> <p>Proposes extending the presumption of reasonableness exception from peace officers to also include EMTs and paramedics.</p>	Sections 503.055 (use of force in a dwelling) and 503.055 (immunity) were added in 2006; no-duty-to-retreat provisions were added in 2006 to already existing sections defining use of force.	KRS §§ 503.050, 055, 070, 080, 085
Louisiana	Y	2006	<ul style="list-style-type: none"> Use of force is governed by different standards depending on whether its use results in a homicide (14:19) For force that does not result in a homicide, force is justifiable when committed for the purpose of preventing a forcible offense against the person or a forcible offense or trespass against property in a person's lawful possession, provided that the force or violence used must be reasonable and apparently necessary to prevent such offense (14:19) For force resulting in homicide, homicide is justifiable when there is imminent danger of losing (regret bodily harm and killing is necessary to prevent danger, committed for the purpose of preventing a violent or forcible felony involving danger to life or of great bodily harm by one who reasonably believes that such an offense is about to be committed and that such action is necessary for its prevention, when committed against a person whom one reasonably believes to be likely to use any unlawful force against a person attempting to commit robbery or burglary in a dwelling, a place of business, or motor vehicle. (14:20) For either type of force, there is a presumption that a person lawfully inside a dwelling, place of business, or motor vehicle held a reasonable belief that the use of force or violence was necessary to prevent unlawful entry of or to expel a person. 	Y	Y	Y	Y		<p>2012 LA H.B. 1100</p> <p>Novel statutory provision "Stand Your Ground Law," would not allow a person to pursue an aggressor if he/she retreats before force is used. Passed House May 9, 2012.</p>	2006 amendments added presumption of reasonableness and eliminated duty to retreat. In 14:20, "motor vehicle" was added in 1997. "Place of business" appears to have existed as of 1993 but unclear when it was originally added. Act that amended 14:19 and 14:20 was different than Act that created §200:19 involving civil immunity.	LSA-R.S. 14:19, 14:20, 9:2800.19
Maine	N	NA	<ul style="list-style-type: none"> Person must have reasonable belief force is necessary and other person is about to use deadly force against him or commit kidnapping, robbery or a violation of § 253.1(A), or have reasonable belief another person entered dwelling "without . . . privilege to do so" and that deadly force is "necessary to prevent the infliction of bodily injury." § 108.2(A) & (B) Deadly force may be used in defense of premises in limited circumstances (preventing arson or criminal trespass). § 104 No duty to retreat in dwelling; duty to retreat elsewhere when able to do so "with complete safety." § 108.2(C)(3)(a) 	Y	N	Y	N				17-A M.R.S. 104, 108
Maryland	N	NA	<ul style="list-style-type: none"> The right to use deadly force to resist a robbery, or other attempted or ongoing assault or felony, exists only during the time that the victim of the attack reasonably believes that such force is necessary to repel an imminent danger of death or serious bodily harm -- during the time that "the exigency demands" the use of such force. Sydnor v. State, 776 A.2d 669 (Md. 2001) There is a "duty of the defendant to retreat or avoid danger if such means were within his power and consistent with his safety," except that "a man faced with the danger of an attack upon his dwelling need not retreat from his home to escape the danger, but [F284] instead may stand [F284] his ground and, if necessary to repel the attack, may kill the attacker." Burch v. State, 696 A.2d 443 (MS, 1997) 	Y	N	Y	N	<p>Sydnor v. State, 776 A.2d 669 (Md. 2001) - Court reaffirmed jury instructions on self-defense stating "duty of the defendant to retreat or avoid danger if such means were within his power and consistent with his safety" but also discusses history of self-defense, including idea that there is no duty to retreat in person's own home.</p>	<p>Castle Doctrine bills have been introduced each year since 2006, but none has been enacted. The most recent bill (HB 332) passed in the House in March 2009, but no action was taken in the Senate. This bill would have provided that person may not be liable for damages for personal injury/death of other who enters person's dwelling or place of business with intent to commit certain crimes but does not limit or abrogate immunity from civil liability or defense available under another provision of the code or at common law. Previous bills would have codified self-defense principles.</p>	In Maryland, self-defense is a common-law doctrine, "statutory" citations are to model jury instructions.	MPJ-Cr 5:01, 5:02, 5:02.01, 5:07
Massachusetts	N	1985 (Civil immunity)	<ul style="list-style-type: none"> Self-defense by deadly force permissible if occupant was in dwelling at time of offense and acted with reasonable belief that person unlawfully in dwelling was about to inflict great bodily injury/death. (§ 8A) No duty to retreat from person unlawfully in dwelling. (§ 8A) 	Y	N	Y	Y		<p>2011 MA H.B. 2218</p> <p>Proposes adding civil immunity provision. 2011 MA H.B. 1568</p> <p>Proposes creating civil immunity as well as expanding "no duty to retreat" to any place where a person has a right to be (as opposed to only dwelling).</p>		ALM GL ch. 278, 8a; Mass. Ann. Laws ch. 231 § 85U
Michigan	Y	2006	<ul style="list-style-type: none"> Under recent Self-Defense Act, use of deadly force in defense of self/others is justified if person has reasonable belief it is necessary to prevent death/bodily harm, no duty to retreat from place a person has a legal right to be. (§ 780.972) Rebuttable presumption that person held reasonable belief of imminent death/great bodily harm if use of deadly force if breaking/entering into dwelling or place of business. (§ 780.951) Person using justified force, including deadly force, commits no crime. (§ 780.961) If Self-Defense Act does not apply, common law applies, except no duty to retreat before use of deadly force in own dwelling or within curtilage of dwelling. (§ 788.21c) 	Y	Y	Y	Y		<p>2011 MI H.B. 5048</p> <p>Seeks to repeal some of the relevant statutes, revert to common law as of October 1, 2006.</p>	All sections appear to have been created in 2006 so prior to amendment, self-defense may have been governed by case law and common law.	MCLS §§ 600.2922b, 780.21c and §§ 780.951, 961, 972, 973

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Minnesota	N	NA	<ul style="list-style-type: none"> Reasonable force may be used when reasonable belief force must be used to resist or aid another to resist an offense, or that force must be used by person in lawful possession of real property to resist trespass upon property. (§ 609.06) Intentional taking of life of another not authorized unless it is necessary in resisting or preventing offense if reasonable belief exposes actor or another to great bodily harm/death or preventing commission of felony in place of abode. (§ 609.065) 	Y	N	Y	N	State v. Soukup, 656 N.W. 2d 424 (Minn. App. 2003) - No duty to retreat from home when acting in defense of self or dwelling against intruder. State v. Moksisic, 415 N.W.2d 341 (Minn. App. 1987) - imminent danger required	Castle Doctrine Bill (House File 498) failed in March 2006 and would have provided that person using force authorized by law will not be prosecuted for using that force, removed duty to retreat when attacked in place you have right to be, and created presumption that attacker intends to do great bodily harm. 2011 MN H.B. 1467 would have eliminated the duty to retreat, presumed reasonableness under certain circumstances and placed the duty on the prosecution to rebut if there was any evidence of reasonableness. Passed the House in 2011 and Senate in 2012. Vetted by Gov. March 5, 2012.	Advisory Committee notes that questions as to duty to retreat involve use of reasonable force and are left up to case law.	M.S.A. §§ 609.06, 065
Mississippi	Y	2006	<ul style="list-style-type: none"> Deadly force justified if resisting attempt to kill or commit felony upon person, dwelling, occupied vehicle, place of business/employment or immediate premises. Presumption that person acted reasonably if the person against whom the defensive force was used was in the process of unlawfully and forcibly entering, or had unlawfully and forcibly entered, a dwelling, occupied vehicle, business, place of employment or the immediate premises thereof or if that person had unlawfully removed or was attempting to unlawfully remove another against the other person's will from that dwelling, occupied vehicle, business, place of employment or the immediate premises thereof and the person who used defensive force knew or had reason to believe that the forcible entry or unlawful and forcible act was occurring or had occurred. No duty to retreat before use of deadly force from place where person has right to be. Defendant previously adjudicated "not guilty" due to justified use of deadly force is immune from any civil action. (all provisions from § 97-3-15) 	Y		Y	Y		2012 MS H.B. 770 Proposes removing self-defense, among other defenses, from the list of allowable defenses sought in manslaughter cases. Died in committee March 6, 2012.	"Occupied vehicle," "place of business/employment," and "immediate premises" were all added in 2006 as well as presumption of reasonableness and no duty to retreat. Mississippi courts have recognized stand your ground (no duty to retreat) principle since late 1800s but 2006 amendment codified it.	Miss. Code Ann. § 97-3-15
Missouri	Y	2007, 2010	<ul style="list-style-type: none"> Use of force justified if reasonable belief it is necessary against imminent force and use of deadly force justified if reasonable belief it is necessary against death, serious physical injury or forcible felony or against unlawful attempt to enter dwelling, residence or vehicle. (563.016) No duty to retreat from dwelling, residence, or vehicle. (563.016) Justification of force is absolute defense to criminal prosecution or civil liability. (563.074) Presumption of reasonableness when defendant asserts use of force was done in protection of person or property. (§ 563.031 R.S.Mo.) 	Y	Y	Y	Y			Case law suggests that no duty to retreat from dwelling, residence or vehicle may have been followed prior to the 2007 amendment. Presumption of reasonableness added in 2010 by statute. 2010 Mo. HB 1662	R.S. Mo. §§ 563.016, 031, 074
Montana	Y	2009	<ul style="list-style-type: none"> Use of force in defense of person justified if reasonable belief that it is necessary for defense of self/another against imminent use of unlawful force. (§ 45-3-102) Use of force in defense of person likely to cause death/serious bodily harm justified if reasonable belief it is necessary to prevent imminent death/serious bodily harm to self/another. (§ 45-3-102) Use of force to defend occupied structure justified when and to extent reasonable belief that it is necessary to prevent/terminate unlawful entry. (§ 45-3-103) Use of force to defend occupied structure likely to cause death/serious bodily harm justified if entry is made or attempted and reasonable belief that force is necessary to prevent assault upon self/another. (§ 45-3-103) 	Y	N	Y	Y (statute says only for "injury", so possibly not for deadly force, case notes do not indicate)	State v. Thompson, 244 Neb. 375 (1993) ("This court has long held that a defendant asserting self-defense as justification for the use of force must have a reasonable and good faith belief in the necessity of such force.")	<ul style="list-style-type: none"> 2011 NE L.B. 298 Proposes all-encompassing civil immunity, unless defendant acted negligently or recklessly. Also proposes expanding justified use of deadly force to include when the defendant believes the person against whom deadly force was used to have entered defendant's dwelling or occupied motor vehicle and is not attempting to exit at time deadly force is used 2009 NE L.B. 889 Proposes codifying reasonableness requirement, but adds a presumption of reasonable belief of immediate danger if person acted upon was entering defendant's dwelling, work, or occupied vehicle. 2011 NE L.B. 232 Proposes amending § 1410, which allows defense of third parties, to include unborn children. 	Prior to recent 2009 amendment, no-duty-to-retreat was only available in case law.	Mont. Code Anno. §§ 45-3-102, -103, 27-1-722
Nebraska	N	NA	<p>In order for the self-defense justification to be applicable, (1) the belief that the force is necessary must be reasonable and in good faith, (2) the force must be immediately necessary, and (3) the force must be justified under the circumstances. State v. Brown, 235 Neb. 374, 455 N.W.2d 547 (1990). State v. Kinser, 252 Neb. 800, 567 N.W.2d 287 (1997).</p> <p>There is a duty to retreat unless own dwelling or place of work. §§ 28-1409, -1410</p> <p>The use of deadly force is justifiable only if the actor believes that such force is necessary to protect himself against death, serious bodily harm, kidnapping or sexual intercourse compelled by force or threat. § 28-1409</p>	Y	N	Y	Y	Yes - The justification defense is available in any civil action for assault and battery or intentional wrongful death and bars recovery. R.R.S. Neb. § 28-1416, as amended in April 2012	<ul style="list-style-type: none"> 2011 NE L.B. 298 Proposes all-encompassing civil immunity, unless defendant acted negligently or recklessly. Also proposes expanding justified use of deadly force to include when the defendant believes the person against whom deadly force was used to have entered defendant's dwelling or occupied motor vehicle and is not attempting to exit at time deadly force is used 2009 NE L.B. 889 Proposes codifying reasonableness requirement, but adds a presumption of reasonable belief of immediate danger if person acted upon was entering defendant's dwelling, work, or occupied vehicle. 2011 NE L.B. 232 Proposes amending § 1410, which allows defense of third parties, to include unborn children. 		R.R.S. Neb. §§ 28-1409, 28-1410, 28-1416 2011 Bill Text NE L.B. 804
Nevada	Y	2005, 5/19/2011	<ul style="list-style-type: none"> Justifiable homicide if necessary for defense of self, habitation, property, or other person against intent to commit felony. If defendant is acting under fears of reasonable person. (200.120, 200.120) No duty to retreat if (1) not original aggressor, (2) have right to be at location where deadly force is used (not only dwelling), and (3) not engaged in criminal activity. (200.120) If killing in self-defense, must appear that danger was so urgent and pressing that killing was absolutely necessary to avoid death/great bodily harm. (200.200) In civil actions, presumption that person who used force had reasonable fear of imminent death/bodily injury to self/other if aggressor committing burglary or invasion of home. (41.095) 	Y	Y (applies to civil actions)	Y	N	<ul style="list-style-type: none"> Earl v. State, 904 P.2d 1022 (1995) - No duty to retreat before using deadly force if reasonable belief that death/serious bodily injury is about to occur. Hill v. State, 647 P.2d 370 (1982) - Burden of proving absence of justification or excuse for homicide rests with state. 	<ul style="list-style-type: none"> 2011 NV A.B. 8 Proposes expanding justifiable homicide to include defense against invasion of motor vehicle (without limitation) Also proposes codifying presumption of reasonableness if the person killing did not provoke, and knew that person killed was entering unlawfully, with force, to commit a felony. Also proposes immunity from civil liability if person was justified in using deadly force under criminal law. 2011 NV A.B. 381 Makes similar proposals to bill above, but also includes defenses of place of business or employment in the list of justifiable homicides. Also proposes civil liability immunity in personal injury and wrongful death actions. 		NRS 41.095, 200.120, 130, 170, 200
New Hampshire	Y	9/14/2011	<ul style="list-style-type: none"> Use of non-deadly force to defend self/other is justified if person has a reasonable belief it is necessary against imminent unlawful non-deadly force. (§ 627.4) Use of deadly force to defend self/other against deadly force is justified if reasonable belief it is necessary. (§ 627.4) Stand your ground: no duty to retreat if somewhere where he or she has a right to be, and was not initial aggressor. (§ 627.4) No justification in using deadly force if he or she can surrender an object, or abstain from doing an action, in complete safety. (§ 627.4) Using force pursuant to above provisions creates civil immunity from personal injury causes brought by perpetrator. (§ 627.4) 	Y	N	Y	Y	<p>Where . . . there is some evidence that the defendant acted in self-defense, the State bears the burden of disproving this defense beyond a reasonable doubt." State v. Gingras, 162 N.H. 633, 637 (N.H. 2011).</p>	<ul style="list-style-type: none"> 2011 NH B. 207 Proposes changing language of statute to reflect that a person has right to use deadly force if reasonably believes that other person is likely to cause injury against actor in dwelling, carriage, or place where he or she has a right to be. 2011 NH B. 216 Proposes that "no duty to retreat" should extend to when person reasonably believes he or she has a right to be. 2011 NH B. 99 Proposes removing the duty to retreat in the face of an attack, creating the presumption that an abductor or probable rapist to cause serious bodily harm (and allowing use of deadly force in defense against such harm, and creating civil immunity from the perpetrator and his or her family concerning suits involving injury or death. 2011 NH B. 1423 Proposes removing the requirement of not being the initial aggressor in order to be legally allowed to defend with deadly force when at home or in carriage. Proposes removing the duty to retreat in the face of an attack, creating the presumption that an abductor or probable rapist to cause serious bodily harm (and allowing use of deadly force in defense against such harm), and creating civil immunity from the perpetrator and his or her family concerning suits involving injury or death. 2011 NH B. 1423 Proposes removing the requirement of not being the initial aggressor in order to be legally allowed to defend with deadly force when at home or in carriage. 	§ 627.1, providing justifiable conduct its complete defense to civil action, has not been amended since 1973.	N.H. Rev. Stat. §§ 627:4, 4:7 2011 Bill Text NH S.B. 98

State	Expansion of Castle Doctrine?	Date of Expansion	Scope of Doctrine	Reasonableness Requirement	Presumption of Reasonableness	Imminent Danger	Civil Immunity	Cases	Pending/Introduced Legislation	Notes	Citation
New Jersey	N	NA	<ul style="list-style-type: none"> Use of force, including deadly, against intruder unlawfully in dwelling justified when reasonable belief it is immediately necessary to protect self/others in dwelling. (2C:3-4) Use of force justified when reasonable belief that it is immediately necessary to protect self. (2C:3-4) Use of deadly force only justified if reasonable belief that it is necessary to protect against death-serious bodily harm but not if it can be avoided with complete safety, except not obligated to retreat from own dwelling. (2C:3-4) Justified conduct does not abridge or impair remedy for such conduct available in civil action. (2C:3-1) Reasonable belief is having a belief which does not make the actor reckless or criminally negligent. N.J.S.A. § 2C:1-14(i) 	Y	Y (see notes)	Y - unless in own dwelling	N	<p>The state needs to prove beyond a reasonable doubt that defendant did not attack in self-defense. State v. Rodriguez, 949 A.2d 197, 202 (N.J., 2008).</p>	<ul style="list-style-type: none"> 2012 NJ A.B. 605 Proposes creating a self-defense justification for victims of domestic violence, as well as allowing victims related to such violence to sue. New Jersey Self-Defense Law, 2012 NJ A.B. 886 Proposes creating a presumption of reasonable fear of imminent death when victim is unlawfully entering dwelling or occupied vehicle. New Jersey Right to Home Defense Law, 2012 NJ A.B. 1106 Proposes presumption of reasonable fear of imminent death where intruder (1) is in process of unlawfully entering residence; (2) has unlawfully and forcibly entered a home or residence; or (3) has removed, or is attempting to unlawfully remove another, against that person's will, from a home or residence; or (4) when the actor knows or reasonably believes that an unlawful and forcible entry is occurring or has occurred, or (5) when the actor knows or reasonably believes that an unlawful and forcible act is occurring or has occurred. Also proposes clarifying no duty to retreat from home, and adding civil remedy provision. New Jersey Right to Home Defense Law, 2012 NJ S.B. 707 Proposes no duty to retreat and justifiable use of deadly force in face of imminent danger, the presumption of which is created in the same scenarios as above (unlawful entering of a dwelling etc.). 2012 NJ S.B. 1180 Proposes the same as in 2012 NJ A.B. 605 	Reasonableness established under statute without formal showing of reasonable belief that harm is intended by intruder if person first demanded that the intruder disarm, surrender or withdraw, and the intruder refused to do so (2C-3-4)(c)(2)(b)	N.J.S.A. §§ 2C:3-1, -3-4, -3-5, -3-6; 2C:1-14(i)
New Mexico	N	NA	<ul style="list-style-type: none"> Homicide is justified if committed in necessary defense of life, family or property if reasonable belief felony or great personal injury is imminent. (§ 30-2-7) Killing in defense of habitation is justified if belief commission of felony was immediately at hand and reasonable person would have done the same. (§ 14-5170) Killing in defense of self/other is justified if appearance of immediate danger of death/great bodily harm, fear of apparent danger and reasonable person would have done the same. (§§ 14-5171, -5172) Person has no duty to retreat if threatened by attack. (§ 14-5190) Person using justified force is not liable in civil action. (§ 31-23-1) 	Y	N	Y	Y	<p>N.M.S.A. § 30-2-7 is subject to standard of reasonableness; thus homicide unjustified when defendant shot someone who stole friend's car stereo. State v. Johnson, 1998 NMCA 19 (N.M. Ct. App., 1997)</p> <p>In homicide cases, claims of lawfulness must be rebutted by the state. State v. Parish, 878 P.2d 988 (N.M. 1994).</p> <p>Keeping or preserving the peace is only valid when defendant intended to call police. State v. Emmons, 161 P.3d 920 (N.M. Ct. App., 2007).</p> <p>Person need not retreat even if he/she could do so safely. State v. Horton, 57 N.M. 257 (1953)</p>	<ul style="list-style-type: none"> Bill regarding civil immunity (SB 109) was introduced in January 2009 but died (unclear when). New Mexico already has a civil immunity law, adopted in 1985; it appears the proposal would have exempted immunity for persons who knew or should have known they were using force against a law-enforcement officer and would have added a fee-shifting provision requiring plaintiffs who filed against an immune defendant to pay attorney's fees Castle Doctrine bill (HB 163) was introduced in January 2007 but died (unclear when) and would have created presumption of reasonableness, added "motor vehicle" and codified no duty to retreat if person in place where has right to be. 	Most of New Mexico's self-defense principles are found in jury instructions. Sections 14-5182 and 14-5181 involve the use of non-deadly force.	N.M.S.A. §§ 30-2-7, 31-2-1; NMRA, Crim. LUJ 14-5170, 14-5171, 14-5172, 12-5190
New York	N	NA	<ul style="list-style-type: none"> Use of force is justified when person has a reasonable belief of imminent danger. (§ 35.15) Use of deadly force justified when person reasonably believes 1) another is about to use deadly force (person has no duty to retreat if in dwelling); 2) another is committing or attempting kidnapping, forcible rape, forcible criminal sexual act or robbery; or 3) another is committing or attempting a burglary. (§§ 35.15(2)(a)-(c); 35.20) A person in possession or control of any premises, or a person licensed or privileged to be in the premises may use physical or deadly force (depending on which is necessary) to prevent the burglary. (§ 35.20) 	Y	N	Y	N	<p>If person reasonably believes that another person is about to use deadly force, deadly physical force may be used against such other person, unless one can retreat in complete safety. (Per statute, this duty to retreat does not apply in own dwelling). People v. Hayes, 17 N.Y.3d 46 (N.Y. 2011)</p> <p>The dwelling exception to duty to retreat can be applied to somewhere where person has a right to be. People v. White, 48 N.Y.S.2d 994, 995 (N.Y. Sup. Ct. 1984) (When a person is attacked, who is without fault, and he is in a place where he has a right to be, whether on his own premises or elsewhere, he may stand his ground, and meet force with force, and if necessary use deadly physical force, without the traditional common-law duty of retreating to the wall).</p>	<ul style="list-style-type: none"> 2011 NY S.B. 266 Proposes modifying statute that allows physical discipline on children to exclude physical discipline that leads to an offense upon the child. 2011 NY A.B. 4557 Proposes extending duty to retreat exception from dwelling, to dwelling and surrounding grounds. 2011 NY S.B. 4389 Same proposal as above. 2011 NY S.B. 281 Proposes extending duty to retreat exception to include dwelling, residence, and occupied vehicle. Also proposes adding a presumption of reasonable fear of imminent death when one uses deadly force against someone entering dwelling, residence or vehicle unlawfully. 	Under Sec. 35.15(2)(b)&(c) and Sec. 35.20 one may use deadly force to prevent certain forcible crimes and to prevent burglary or arson of the home; these sections do not discuss duty to retreat.	NY CLS Penal §§ 35.10, 35.15, 35.20
North Carolina	Y	6/23/2011	<ul style="list-style-type: none"> The lawful occupant of a home, motor vehicle, or workplace is presumed to have held a reasonable fear of imminent death or serious bodily harm to himself or another when using defensive deadly force if other person is unlawfully intruder, and defendant knew or reasonably believed about intrusion. N.C. Gen. Stat. § 14-51.2. The rebuttable presumption of reasonable fear of imminent death does not apply when the person against whom the defensive force is used (i) has discontinued all efforts to unlawfully and forcibly enter the home, motor vehicle, or workplace and (ii) has exited the home, motor vehicle, or workplace. N.C. Gen. Stat. § 14-51.2. No duty to retreat in above circumstances. There is civil liability in above circumstances as well. N.C. Gen. Stat. § 14-51.2. Person has no duty to retreat wherever they have a right to be, and may use deadly force to protect from imminent death. N.C. Gen. Stat. § 14-51.3. Above justifications do not apply if defendant who used defensive force was committing a felony, or if defendant initially provokes the use of force against himself, and has not withdrawn from physical contact. N.C. Gen. Stat. § 14-51.4. 	Y	Y	Y	Y	<p>Although there have been many proposals for new legislation and amendments (2011 N.C.H.B. 20; 2011 N.C.H.B. 74; 2011 N.C.S.B. 34; 2011 N.C.S.B. 679), those changes were superseded and likely rendered ineffective by the new 2011 N.C. HB 650 enacted in June 2011. 2011 N.C.H.B. 1182 would repeal Castle Doctrine statute to Common Law</p>		N.C. Gen. Stat. §§ 14-51.2, 14-51.3, 14-51.4.	
North Dakota	Y	2007	<ul style="list-style-type: none"> Use of deadly force justified in lawful self-defense, or in lawful defense of others, if such force is necessary to protect the actor or anyone else against death, serious bodily injury, or the commission of a felony involving violence. (§ 12-1-05-07(2)(b)) Duty to retreat absent from own dwelling, place of work, occupied motor home or travel trailer. (§ 12-1-05-07) Presumption that person held reasonable fear of imminent death or injury when in place from which there is no duty to retreat and there is unlawful entry and person had reason to believe unlawful act was occurring or had occurred. (§ 12-1-05-07.1) Person using justified force is immune from civil liability from person against whom force was used, unless person knew or should have known force was used against police officer. (§ 12-1-05-07.2) However, if other persons were at risk of injury due to negligence or recklessness during use of force, then civil immunity would not apply to such third persons. (§ 12-1-05-07.1) Plaintiff who sues immune defendant pays attorney's fees. (§ 12-1-05-07.2) 	Y	Y	Y	Y	<p>Ohio-4416 Ohio App. 9/24/2009</p>	<p>"Motor home" and "travel trailer" were both added in 2007 amendment but "place of work" appears to have been included since prior amendment in 1973. Presumption of fear section added in 2007. Immunity section was also added in 2007; on its face, the immunity provision conflicts with § 12-1-05-01, which generally provides that justified conduct does not abridge or impair any civil remedy available.</p>	NDCC § 12-1-05-01, NDCC § 12-1-05-07, NDCC § 12-1-05-07.1, NDCC § 12-1-05-07.2	
Ohio	Y	9/9/2008	<ul style="list-style-type: none"> In order to establish self-defense, a defendant has to prove (1) he was not at fault in creating the situation giving rise to the attack, (2) he had reasonable grounds to believe and an honest belief that he was in immediate danger of death or great bodily harm and that his only means of escape from such danger was by the use of force, and (3) he had not violated any duty to escape to avoid the danger. . . . A defendant is privileged to use only that force that is reasonably necessary to repel the attack. State v. Hendrickson, 2009 Ohio 4416 Rebuttable presumption of self-defense when deadly force or force causing great bodily harm is used against another who is "unlawfully and without privilege to do so entering" the residence or vehicle lawfully occupied by the person using force. § 2901.05(B) No duty to retreat before using force in self-defense, defense of another, or defense of residence when in residence or vehicle (does not distinguish deadly force). § 2901.05(B) Burden of proof for an affirmative defense is upon the accused. § 2901.05(A) Civil immunity. §§ 2307.00 & .001 	Y	Y	Y	Y	<p>State v. Hendrickson, 2009 Ohio 4416 Ohio App. 9/24/2009</p>		ORC 2307.601, 2901.05, & 2901.09	

State	Expansion of Castle Doctrine?	Date of Expansion	Scope of Doctrine	Reasonableness Requirement	Presumption of Reasonableness	Imminent Danger	Civil Immunity	Cases	Pending/Introduced Legislation	Notes	Citation
Oklahoma	Y	2006, 11/1/2011	<ul style="list-style-type: none"> Use of force to defend self and property justified to protect self or prevent trespass. (§ 643) Deadly force justified to protect against murder or felony in any dwelling house or when reasonable ground that felony or great personal injury will occur and imminent danger of this. (§ 723) Presumption of reasonable fear of imminent peril of death/great bodily harm when using force if unlawful entry occurring or had occurred in home, place of business, or occupied vehicle and reasonable belief that it had occurred or was occurring. (§ 1289.25) Person using justified force is immune from criminal prosecution and civil action. (§ 1289.25) 	Y	Y	Y	Y		<ul style="list-style-type: none"> 2011 OK H.B. 2702 Proposes to expand presumption of reasonable fear of imminent peril from only cases of forcible entry to also include cases of deceptive entry. 2011 OK S.B. 1046 Same proposal as above, in different language. 2011 OK H.B. 2988 Proposes expanding presumption of reasonable fear of imminent peril to include owners or employees of places of worship. 	"Residence" and "occupied vehicle" added in 2006. Although immunity clause was modified in 2006, immunity from civil liability appears to have been added in 1987 amendment.	21 Okl. Stat. §§ 643, 733, 1289.25
Oregon	N	1971	<ul style="list-style-type: none"> To justify use of physical force in defense of self or third person, must have reasonable belief that another is using or about to use proportionally similar force against him and that the danger is imminent. (ORS 161.209) To justify use of deadly force in defense of self or third person, must reasonably believe another is committing or attempting a felony with use of "threatened imminent force a burglary in a dwelling; or "about to use unlawful deadly physical force against a person." ORS 161.219 Deadly force may be used in defense of premises "[i]n defense of a person as provided in ORS 161.219" or when reasonable to believe deadly force is necessary to prevent arson or forcible or violent felony by trespasser. ORS 161.225 No duty to retreat. (State v. Sandoval, 342 Or. 506 (2007)) 	Y	N	Y	N		<ul style="list-style-type: none"> 2011 OR H.B. 2648 Deletes provision authorizing reasonable physical force upon incompetent person. 2011 OR H.B. 2823 Same as above 2011 OR H.B. 2999 Proposes adding presumption of reasonableness when defending a dwelling against unlawful intruder. Additionally proposes this presumption, if not rebutted, to constitute a complete defense in a civil action (and requires plaintiff to pay attorney fees). 		ORS 161.205 (Use of physical force generally), 161.209 (Defense of a person), 161.215 (Limitations on use of physical force in defense of a person), 161.219 (Limitations on use of deadly physical force in defense of a person), 161.225 (Use of physical force in defense of premises)
Pennsylvania	Y	6/28/2011	<ul style="list-style-type: none"> Use of deadly force is justifiable in defense of person when "the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat." (§ 505b(2)) To justify use of force against another, person must believe force is immediately necessary. (§ 505a) No duty to retreat in dwelling and workplace when using deadly force in defense of person. (§ 505b(2)(i)(A)) Presumption of reasonable belief of deadly harm in dwelling and occupied vehicle when there is unlawful intruder. (§ 505b(2.1)) Civil immunity when use of force is justified. (42 Pa.C.S. § 6340.2) 	Y	Y	Y	Y	Aggressor is not justified in using deadly force. (Commonwealth v. Houser, 10 A.3d 1128 (Pa. 2011). Cam. v. Cropper, 345 A.2d 645 (1975))	2011 PA S.B. 273 Passed in June 2011, and became effective in March 2011 - added presumption of reasonableness and civil immunity provisions.		18 Pa. C.S. §§ 501 (Definitions), 505 (Use of force in self-protection), 506 (Use of force for the protection of other persons), & 507 (Use of force for the protection of property) 42 Pa. C.S. § 6340.2
Rhode Island	N	1956 (1981 Reenactment)	<ul style="list-style-type: none"> "Persons who believe that they are in imminent peril of bodily harm (that is, such deadly force as is reasonably necessary in the circumstances to protect themselves. . . . Before resorting to the use of deadly force, the person attacked must attempt retreat if he or she is consciously aware of an open, safe, and available avenue of escape. . . . The only exception in Rhode Island to the obligation to attempt retreat was created by statute." State v. Quarles, 504 A.2d 473 (R.I. 1986) Statute creates rebuttable presumption that the "owner, tenant, or occupier" who uses deadly force against another who is breaking and entering a dwelling "acted by reasonable means in self-defense and in the reasonable belief that the person engaged in the criminal offense was about to inflict great bodily harm or death. . . ." (§ 11-8-6) The "owner, tenant, or occupier" has no duty to retreat in this situation. (§ 11-8-6) 	Y	Y	Y	N	The justifiability defense under R.I. Gen. Laws § 11-8-6 is triggered by a breaking and entering, not when victim enters through open door. State v. Gierquitt, 22 A.3d 1161 (R.I. 2011) Rhode Island v. Ordway, 619 A.2d 819 (R.I. 1992) - Duty to retreat even from own dwelling if attacker is cohabitant			R.I. Gen. Laws 11-8-6
South Carolina	Y	6/8/2006	<ul style="list-style-type: none"> No duty to retreat from wherever one has a right to be, including but not limited to place of business, and may use deadly force if necessary to prevent harm. (§ 16-1-440) Presumption of reasonable fear of imminent death when victim unlawfully and forcibly entering home or occupied vehicle. (§ 16-1-440) Civil Immunity for justified use of deadly force against anyone who is not a police officer. (§ 16-11-450) For the defense of habitation to apply, a defendant need only establish that a trespass has occurred and that the chosen means of ejection were reasonable under the circumstances - unlike . . . self-defense, [which requires] that a defendant reasonably believe that he (or his property) was in imminent danger. State v. Rye, 375 S.C. 119, 124 (S.C. 2007). 	Y	Y	Y	Y	No duty to retreat on one's own premises, curtilage, and place of business, but there is such duty on public sidewalk. State v. Dickey, 716 S.E.2d 97 (S.C. 2011). (see notes) State v. Bole, 672 S.E.2d 885 (S.C. Ct. App. 2009) - Act is prospective only	<ul style="list-style-type: none"> 2011 SC H.B. 5072 Seeks to remove duty to retreat exception from place of business. 2011 SC S.B. 1415 Same as above. 	The case law that says there is a duty to retreat from public sidewalk and other public thoroughfares seems to contradict statute which says there is no duty to retreat from where one has a right to be.	S.C. Code Ann. §§ 16-11-420 (Intent), -430 (Definitions), -440 (Presumption of Reasonable Fear)
South Dakota	Y	7/1/2006	<ul style="list-style-type: none"> Use of deadly force in protection of self and other persons in the household justified "if there is reasonable ground to apprehend a felony or 'great personal injury' will be committed and the danger is imminent." (§ 22-16-35) "Homicide is justifiable if committed . . . while resisting . . . murder . . . or felony . . . in any dwelling house." (§ 22-16-34) "A person does not have a duty to retreat if the person is in a place where he or she has a right to be." (§ 18-4) 	Y	N	Y	N	State v. Pellegrino, 577 N.W.2d 590 (1998) (noting that under common law, the Castle Doctrine merely is a limitation on the duty to retreat)			SDCL §§ 22-18-4 (Protection of Property—Use of deadly force—Duty to retreat), -16-34 (Resisting attempted murder or battery), -16-35 (Defense of person and other persons in household), and § 22A-22-5 (Burden of proof)
Tennessee	Y	2007, 2009, 2012	<ul style="list-style-type: none"> Use of deadly force justified if the person has a reasonable belief of imminent danger of death or serious bodily injury, danger is real, and belief of danger is founded upon reasonable grounds. No duty to retreat when person is in a place he has a right to be. Presumption of reasonable belief where person is in a residence, dwelling, or vehicle when force is used against another person who unlawfully and forcibly enters. Threats or use of force justified when protecting real or personal property, or when trying to recover land, or recover property that had been disposed of immediately preceding the threats or use of force. (§ 39-11-614) 	Y	Y	Y	Y		<ul style="list-style-type: none"> 2009 Tenn. HB 70 Amended law so that use of force unjustified when person against whom force is used has right to be in residence, vehicle, or place of business. 2011 TN H.B. 2045 Proposes civil and criminal immunity from use of force to protect land for environmental degradation caused by feral hog. 2011 TN S.B. 1762 Same proposal as above (re justified use of force with respect to protecting land from feral hogs). 		Tenn. Code Ann. §§ 39-11-611, -614, -622
Texas	Y	9/1/2007	<ul style="list-style-type: none"> Use of force justified "when and to the degree the actor reasonably believes the force is immediately necessary to protect the actor against the other's use or attempted use of unlawful force." (§ 9.31(a)) When deadly force is used, the actor must have reasonable belief of immediate need for force to protect against unlawful deadly force or aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery. (§ 9.32(a)) "A person who has a right to be present at the location . . . is not required to retreat before using deadly force." (§ 9.32(b)) Presumption of reasonableness if person knew or had reason to know assailant was forcibly entering person's occupied habitation, vehicle, or place of business or employment or was attempting commission of above-listed crimes. (§ 9.32(b)) "A defendant who uses force or deadly force that is justified is immune from civil liability for personal injury or death. . . ." (§ 9.33(1)) 	Y	Y	Y	Y		2011 TX H.B. 2526 Proposes codifying that an unborn child is not a third person who can justifiably be protected by force unless the actor is the pregnant woman carrying the unborn child.		Tex. Penal Code §§ 9.31, 32, 33 Tex. Civ. Prac. & Rem. Code § 63.001

State	Expansion of Castle Doctrine?	Date of Expansion	Scope of Doctrine	Reasonableness Requirement	Presumption of Reasonableness	Imminent Danger	Civil Immunity	Cases	Pending/Introduced Legislation	Notes	Citation	
Utah	Y	1994, 2002, 2012	<ul style="list-style-type: none"> • Deadly force may be used in defense of person where it is reasonable to believe force is necessary to prevent death or serious bodily injury and danger is imminent, or to prevent commission of a "forcible felony." (§ 402(1)) • Deadly force may be used in defense of habitation or defense of persons on real property where entry or trespass is violent and it is reasonable to believe force is necessary to prevent assault or personal violence, or it is reasonable to believe entry was made to commit felony and force is necessary to prevent commission of felony. (§§ 405(1)(a)&(b) & 407(1)(a)-(d)) • "A person does not have a duty to retreat from a force or threatened force... in a place where that person has lawfully entered or remained." (§ 402(3)) • Presumption of reasonableness for defense of habitation, and defense of persons on real property if assailant entered by force or violence or with intent to commit forcible felony. (§§ 405 (2) & 407(2)) 	Y	Y (for defense of habitation and of persons on real property)	Y	Y (statute bans recovery of civil damages for injury resulting during commission of crime)	<ul style="list-style-type: none"> • Salt Lake City v. Hendricks, 2002 WL 257553 (Feb. 14, 2002) (distinguishing Tuckett), State v. Tuckett, 13 P. 3d 1060 (2000) 	<ul style="list-style-type: none"> • 2010 UT HB 263 Passed in 2010, expanded the definition of felony (which expands the justification for using force to prevent felonies). • 2010 UT HB 78 • 2010 UT HB 207 Defined reasonableness for purposes of 76-2-406 		Utah Code Ann. §§ 76-2-401 - 402, -405, -406, -407, § 76B-3-110	
Vermont	N	NA	<ul style="list-style-type: none"> • Homicide is justifiable when preventing a felony or in self-defense or defense of close relative, guardian, warden, mistress (§ 2305) • "The rule as to the right to use force to repel an assault and battery is that the assailant may beat his assailant so far as to make him desist; but he cannot inflict great bodily harm or take the life of the assailant, unless he reasonably apprehends death or great bodily harm to himself, and then he may not do so if he has other means of avoiding the assault that appear to him at the time as sufficient and available, and which are in fact sufficient and available." State v. Dragon, 268 A.2d 913 (Vt. 1970) • Deadly force and threat of deadly force are not justified when defending personal property. Commonwealth v. Alexander, 260 Va. 238 (Va. 2000). 	Y	N	Y	N	<ul style="list-style-type: none"> • State v. Dragon, 128 Vt. 568, 268 A.2d 913 (1970); State v. Hatcher, 167 Vt. 338, 706 A.2d 429 (1997) 	<ul style="list-style-type: none"> • 2011 VT H.B. 285 Proposes the use of deadly force in a dwelling with a presumption an intruder means to cause harm, adds criminal and civil immunity 	No Castle Doctrine statute, but see VT Stat. Tit. 13 § 2305 for justifiable homicide.	No statute (See Notes)	
Virginia	N	NA	<ul style="list-style-type: none"> • "A person assaulted while in the discharge of a lawful act, and reasonably apprehending that his assailant will do him bodily harm, has the right to repel the assault by all the force he deems necessary, and is not compelled to retreat from his assailant, but may, in turn, become the assailant, inflicting bodily wounds until his person is out of danger." Dodson v. Commonwealth, 159 Va. 376 (1933) • Deadly force and threat of deadly force are not justified when defending personal property. Commonwealth v. Alexander, 260 Va. 238 (Va. 2000). 	Y	N	Y	N	<ul style="list-style-type: none"> • Dodson v. Commonwealth, 159 Va. 976 (1933) • Commonwealth v. Alexander, 260 Va. 238 (Va. 2000) 	<ul style="list-style-type: none"> • 2012 VA S.B. 4 • 2012 VA H.B. 48 • 2010 VA S.B. 876 • 2010 VA H.B. 1573 • 2012 VA S.B. 64 	The above are all bills which propose codifying the castle doctrine.	No Castle Doctrine statute, established by common law. (See Scope of Doctrine)	No statute (See Notes, Scope, Cases)
Washington	Y, via case law, not legislation	1975	<ul style="list-style-type: none"> • Homicide justified when in defense of self, close relative, other person in his presence, or residence. Danger or felony must be imminent, and slayer must be reasonable. (§ 9A.16.050) • Use of force justified when protecting self, or other against bodily injury, or real property or personal property against malicious interference or trespass. Danger must be imminent. (§ 9A.16.110) • State Supreme Court cases set precedent there is no duty to retreat when a person is in a place where he or she has a right to be. See, e.g., State v. Redmond, 150 Wn.2d 489 (2003) (stating, "The law is well settled that there is no duty to retreat when a person is assaulted in a place where he or she has a right to be.") 	Y	N	Y	N	<ul style="list-style-type: none"> • State v. Studd, 137 Wn.2d 533 (1999); State v. Reynaldo Redmond, 150 Wn.2d 489 (2003) 		No castle doctrine statute, but see Wash. Rev. Code § 9A.16.050, 110 for justifiable homicide.	No statute (See Notes and Cases)	
West Virginia	Y	4/10/2008	<ul style="list-style-type: none"> • No duty to retreat from home or anywhere outside place of residence if one has right to be there; may also use reasonable, proportionate force, including deadly force, to prevent trespass. (§ 55-7-22) • This justification is a full defense in civil suit brought by attacker or intruder. (§ 55-7-22) 	Y	N	Y	Y				W. Va. Code § 55-7-22	
Wisconsin	Y	2007, 2011	<ul style="list-style-type: none"> • Civil immunity, presumption of reasonableness, and no duty to retreat where force reasonably believed necessary to prevent harm to self or other from intruder upon residence, place of business, or occupied vehicle. (§ 895.62) • A person is privileged to threaten or intentionally use force against another for the purpose of preventing or terminating what the person reasonably believes to be an unlawful interference with his or her person by such other person. The actor may intentionally use only such force or threat thereof as the actor reasonably believes is necessary to prevent or terminate the interference. The actor may not intentionally use force which is intended or likely to cause death or great bodily harm unless the actor reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself. (§ 895.46) 	Y	Y	Y	Y		<ul style="list-style-type: none"> • 2011 WI AB 69 Enacted Dec. 7, 2011, created § 895.62 and expanded § 895.46 to include presumption of reasonableness. 		Wis. Stat. §§ 895.46, 895.62	
Wyoming	Y	7/1/2008	<ul style="list-style-type: none"> • "A person being assaulted may defend himself if he has reasonable grounds for believing and does believe that bodily injury is about to be inflicted upon him. In doing so he may use all force which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent." Causey v. State, 2009 WY 111 • A person is "justified in using deadly force to repel the danger only if he retreated as far as he safely could before using deadly force." Causey v. State, 2009 WY 111. • Presumption of "reasonable fear of imminent peril of death or serious bodily injury" where entry of home or habitation is made unlawfully and forcibly by another and person using force "fear or had reason to believe" this entry was occurring. (§ 602(a)(3)(A)(i)) • Presumption that person unlawfully and forcibly entering another's home or habitation does so with intent to commit unlawful act with force or violence. (§ 602(c)) • Where § 602 does not apply, common law governs. (§ 601) • Civil immunity applies to person using force "reasonably necessary in defense of his person, property or abode or to prevent injury to another." (§ 204) 	Y	Y	Y	Y	<ul style="list-style-type: none"> • "A person being assaulted may defend himself if he has reasonable grounds for believing and does believe that bodily injury is about to be inflicted upon him. In doing so he may use all force which would appear to a reasonable person, in the same or similar circumstances, to be necessary to prevent the injury which appears to be imminent." Causey v. State, 2009 WY 111 (Wyo. 2009). • A person is "justified in using deadly force to repel the danger only if he retreated as far as he safely could before using deadly force." Causey v. State, 2009 WY 111 (Wyo. 2009). 		Original bill (House Bill 197) included no duty to retreat when person is in place he or she has a right to be (no duty to retreat in a public place) and immunity from criminal prosecution not just use action.	W.S. §§ 6-1-204 (Immunity from civil action), 2-601 (Applicability/common law) & 2-602 (Self-defense)	