

**76-2-407 Deadly force in defense of persons on real property.**

- (1) A person is justified in using force intended or likely to cause death or serious bodily injury against another in his defense of persons on real property other than his habitation if:
- (a) he is in lawful possession of the real property;
  - (b) he reasonably believes that the force is necessary to prevent or terminate the other person's trespass onto the real property;
  - (c) the trespass is made or attempted by use of force or in a violent and tumultuous manner; and
  - (d)
    - (i) the person reasonably believes that the trespass is attempted or made for the purpose of committing violence against any person on the real property and he reasonably believes that the force is necessary to prevent personal violence; or
    - (ii) the person reasonably believes that the trespass is made or attempted for the purpose of committing a forcible felony as defined in Section 76-2-402 that poses imminent peril of death or serious bodily injury to a person on the real property and that the force is necessary to prevent the commission of that forcible felony.
- (2) The person using deadly force in defense of persons on real property under Subsection (1) is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the trespass or attempted trespass is unlawful and is made or attempted by use of force, or in a violent and tumultuous manner, or for the purpose of committing a forcible felony.

Enacted by Chapter 273, 2002 General Session