



House of Representatives *State of Utah*

UTAH STATE CAPITOL COMPLEX • 350 STATE CAPITOL
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February 17, 2017

Mr. Speaker,

The Law Enforcement and Criminal Justice Committee recommends **H.B. 259**, DUTY TO RETREAT AMENDMENTS, by Representative A. Cory Maloy, be replaced and reports a favorable recommendation on **1st Sub. H.B. 259**, DUTY TO RETREAT AMENDMENTS with the following amendments:

1. *Page 1, Lines 11 through 15:*

11 This bill:
12 ▶ provides that a person is not required to retreat from an aggressor even if there
is a
13 safe place to retreat to; and
14 ▶ ~~{prohibits a trier of fact from considering}~~ states that whether a
person who did not retreat from
15 an aggressor acted reasonably is not relevant in a trial on the issue of self-defense.

2. *Page 2, Line 51 through Page 3, Line 57:*

51 (3) Except as provided in Subsection (2)(a)(iii):
*** Some lines not shown ***
55 (b) the failure to retreat ~~{may not be introduced as evidence nor may any trier~~
of fact
56 ~~consider failure to retreat regarding}~~ is not relevant in determining whether
a person acted reasonably in any trial on the issue
57 of self-defense.

Respectfully,

Lee B. Perry
Chair

Voting: 6-4-2

5 HB0259.HC2.wpd 2/17/17 5:58 pm ggirvan/GAG ECM/GAG

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