

Effective 5/1/2024

76-2-405 Force or deadly force in defense of habitation, vehicle, or place of business or employment.

- (1) Except as provided in Subsection (2), an actor is justified in using force against an individual when and to the extent that the actor reasonably believes that the force is necessary to prevent or terminate the individual's unlawful entry into the actor's vehicle or unlawful entry or attack upon the actor's habitation or place of business or employment.
- (2) An actor is justified in using force against the individual described in Subsection (1) that is intended or likely to cause death or serious bodily injury to the individual only if:
 - (a)
 - (i) the entry is made or attempted in a violent and tumultuous manner, surreptitiously, or by stealth; and
 - (ii) the actor reasonably believes:
 - (A) that the entry is attempted or made for the purpose of assaulting or perpetrating personal violence against any individual who dwells in or is present in the habitation or is present in the vehicle, or place of business or employment; and
 - (B) that the force is necessary to prevent the assault or perpetration of personal violence; or
 - (b) the actor reasonably believes that:
 - (i) the entry is made or attempted for the purpose of committing a felony in the habitation; and
 - (ii) the force is necessary to prevent the commission of the felony.
- (3)
 - (a) An actor who uses force or deadly force against an individual to defend the actor's habitation 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 entry or attempted entry is:
 - (i) unlawful; and
 - (ii) made or attempted:
 - (A) by use of force;
 - (B) in a violent and tumultuous manner;
 - (C) surreptitiously or by stealth; or
 - (D) for the purpose of committing a felony.
 - (b) An actor who uses force or deadly force against an individual to defend the actor's vehicle or place of business or employment 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:
 - (i) the actor knew or had reason to believe that the individual:
 - (A) entered, or attempted to enter, unlawfully and with force, the actor's occupied vehicle or place of business or employment; or
 - (B) removed, or attempted to remove, unlawfully and with force, the actor from the actor's vehicle or place of business or employment; and
 - (ii) the actor:
 - (A) did not provoke the individual; and
 - (B) was not otherwise engaged in criminal activity, other than a traffic offense, at the time the force was used.
 - (c) The presumption in Subsection (3)(b) applies to an actor's use of force or deadly force against an individual to protect a third person if:
 - (i) under the circumstances as the actor believes them to be, the actor would be justified under Subsection (3)(b) in using force or deadly force to protect the actor against the unlawful

- force or unlawful deadly force that the actor reasonably believes to be threatening the third person the actor seeks to protect; and
- (ii) the actor reasonably believes that the actor's intervention is immediately necessary to protect the third person.

Amended by Chapter 189, 2024 General Session