

76-2-406 Force in defense of property -- Affirmative defense.

- (1) A person is justified in using force, other than deadly force, against another when and to the extent that the person reasonably believes that force is necessary to prevent or terminate another person's criminal interference with real property or personal property:
 - (a) lawfully in the person's possession;
 - (b) lawfully in the possession of a member of the person's immediate family; or
 - (c) belonging to a person whose property the person has a legal duty to protect.
- (2) In determining reasonableness under Subsection (1), the trier of fact shall, in addition to any other factors, consider the following factors:
 - (a) the apparent or perceived extent of the damage to the property;
 - (b) property damage previously caused by the other person;
 - (c) threats of personal injury or damage to property that have been made previously by the other person; and
 - (d) any patterns of abuse or violence between the person and the other person.

Amended by Chapter 377, 2010 General Session