Highlighted Provisions: This bill: amends the provision regarding justified use of force in defense of property to provide an affirmative defense if: the defendant reasonably believes the action is justified; and the force used does not cause death or serious bodily injury. Monies Appropriated in this Bill: None Other Special Clauses: None Utah Code Sections Affected: AMENDS: 76-2-406, as enacted by Laws of Utah 1973, Chapter 196 Be it enacted by the Legislature of the state of Utah:	1	PROTECTION OF PROPERTY AMENDMENT
Chief Sponsor: Carl Wimmer Senate Sponsor:	2	2010 GENERAL SESSION
LONG TITLE General Description: This bill modifies the Criminal Code regarding the offense of use of force in defense of property. Highlighted Provisions: This bill: • amends the provision regarding justified use of force in defense of property to provide an affirmative defense if: • the defendant reasonably believes the action is justified; and • the force used does not cause death or serious bodily injury. Monies Appropriated in this Bill: None Other Special Clauses: None Utah Code Sections Affected: AMENDS: 76-2-406, as enacted by Laws of Utah 1973, Chapter 196	3	STATE OF UTAH
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25 Be it enacted by the Legislature of the state of Utah:	23	76-2-406 , as enacted by Laws of Utah 1973, Chapter 196
· · · · · · · · · · · · · · · · · · ·	24	
Section 1. Section 76-2-406 is amended to read:	25	Be it enacted by the Legislature of the state of Utah:
	26	Section 1. Section 76-2-406 is amended to read:

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



27

H.B. 207 01-06-10 12:01 PM

28	(1) A person is justified in using force, other than deadly force, against another when
29	and to the extent that [he] the person reasonably believes that force is necessary to prevent or
30	terminate criminal interference with real property or personal property:
31	[(1) Lawfully in [his] the person's possession; [or]
32	[(2) Lawfully] (b) lawfully in the possession of a member of [his] the person's
33	immediate family; or
34	[(3) Belonging] (c) belonging to a person whose property [he] the person has a legal
35	duty to protect.
36	(2) It is an affirmative defense to prosecution under Subsection (1) that:
37	(a) the person acted on the reasonable belief that the person's conduct was lawful under
38	this section; and
39	(b) the force used:
40	(i) did not cause serious bodily injury or death; and
41	(ii) did not constitute the offense of aggravated assault causing serious bodily injury
12	under Subsection 76-5-103(1)(a).

Legislative Review Note as of 12-28-09 9:34 AM

Office of Legislative Research and General Counsel

H.B. 207 - Protection of Property Amendment

Fiscal Note

2010 General Session State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

1/11/2010, 10:50:51 AM, Lead Analyst: Amon, R./Attny: SCA

Office of the Legislative Fiscal Analyst