

118TH CONGRESS
1ST SESSION

H. R. 3142

To amend title 18, United States Code, to provide an affirmative defense for certain criminal violations, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 9, 2023

Mr. GAETZ (for himself, Mr. BIGGS, Mr. GOSAR, Mr. BURLISON, Ms. GREENE of Georgia, Mrs. MILLER of Illinois, Mr. C. SCOTT FRANKLIN of Florida, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To amend title 18, United States Code, to provide an affirmative defense for certain criminal violations, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Stand Your Ground
5 Act of 2023”.

6 **SEC. 2. CERTAIN AFFIRMATIVE DEFENSES.**

7 (a) AFFIRMATIVE DEFENSE.—Part I of title 18,
8 United States Code, is amended by adding at the end the
9 following new chapter:

1 **“CHAPTER 124—AFFIRMATIVE DEFENSES**

2 **“SEC. 2730. AFFIRMATIVE DEFENSE FOR CERTAIN CRIMI-**
3 **NAL VIOLATIONS.**

4 “(a) USE OR THREATENED USE OF FORCE IN DE-
5 FENSE OF PERSON.—It shall be an affirmative defense to
6 a violation of this title if:

7 “(1) A person is justified in using, threatening,
8 or attempting to use force, except deadly force,
9 against another when and to the extent that the per-
10 son reasonably believes that such conduct is nec-
11 essary to defend himself or herself or another
12 against an aggressor’s imminent use of unlawful
13 force. A person who uses or threatens to use force
14 in accordance with this paragraph does not have a
15 duty to retreat before using or threatening to use
16 such force.

17 “(2) A person is justified in using, threatening,
18 or attempting to use deadly force if he or she rea-
19 sonably believes that using, threatening, or attempt-
20 ing to use such force is necessary to prevent immi-
21 nent death or great bodily harm to himself or herself
22 or another or to prevent the imminent commission of
23 a forcible felony. A person who uses, threatens, or
24 attempts to use deadly force in accordance with this
25 paragraph does not have a duty to retreat and has

1 the right to stand his or her ground if the person
2 using, threatening, or attempts to use the deadly
3 force is not engaged in a criminal activity and is in
4 a place where he or she has a right to be.

5 “(b) DEFINITIONS.—In this section:

6 “(1) DUTY TO RETREAT.—The term ‘duty to
7 retreat’ means that if a person is under attack, he
8 or she should first seek retreat as the preferred al-
9 ternative to using force to act in self-defense.

10 “(2) FORCIBLE FELONY.—The term ‘forcible
11 felony’ includes treason, murder, manslaughter, sex-
12 ual battery, carjacking, home-invasion robbery, rob-
13 bery, burglary, arson, kidnapping, aggravated as-
14 sault, aggravated battery, aggravated stalking, air-
15 craft piracy, unlawful throwing, placing, or dis-
16 charging of a destructive device or bomb, and any
17 other felony which involves the use or threat of phys-
18 ical force or violence against any individual.

19 “(3) STAND YOUR GROUND.—The term ‘stand
20 your ground’ means the allowance of an individual
21 to defend himself or herself by any means necessary
22 when his or her life is threatened.”.

23 (b) EFFECTIVE DATE; APPLICABILITY.—The amend-
24 ments made under subsection (a) shall take effect on the
25 date of the enactment of this Act and may be used as

1 an affirmative defense by a defendant in the prosecution
2 of a criminal offense initiated after the date of the enact-
3 ment of this Act.

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