Enrolled Copy	H.B. 129
----------------------	----------

	DEFENSE OF PROPERTY AND PERSON
2	2012 GENERAL SESSION
3	STATE OF UTAH
1	Chief Sponsor: Patrick Painter
5	Senate Sponsor: Curtis S. Bramble
,	LONG TITLE
	General Description:
	This bill clarifies the statute regarding civil liability for defending against criminal
	activity.
	Highlighted Provisions:
	This bill:
	 clarifies that a person is justified in defending their home and family against
	criminal activity and may not be liable for civil damages for injury or damage
	occurring while doing so.
	Money Appropriated in this Bill:
	None
	Other Special Clauses:
	This bill provides an immediate effective date.
	Utah Code Sections Affected:
	AMENDS:
	78B-3-110, as last amended by Laws of Utah 2011, Chapter 366
	Be it enacted by the Legislature of the state of Utah:
	Section 1. Section 78B-3-110 is amended to read:
	78B-3-110. Defense to civil action for damages resulting from commission of
	crime.
	(1) A person may not recover from the victim of a crime for personal injury or property
	damage if [the person]:

H.B. 129 Enrolled Copy

30	(a) the person entered the property of the victim or the victim's family with criminal
31	intent and the injury or damage was inflicted by the victim or occurred while the person was on
32	the victim's property; or
33	(b) the person committed a crime against the victim or the victim's family, during
34	which the damage or injury occurred.
35	(2) The provisions of Subsection (1) do not apply if the person can prove by clear and
36	convincing evidence that[: (a)] the person's actions did not constitute a [felony; and] crime.
37	[(b) the person's culpability was less than the person from whom recovery is sought.]
38	[(3) Subsections (1) and (2) apply]
39	(3) Subsection (1) applies to any next-of-kin, heirs, or personal representatives of the
40	person if the person acquires a disability or is killed.
41	(4) Subsections (1)[$\frac{1}{2}$] and (2)[$\frac{1}{2}$, and (3)] do not apply if the person committing or
42	attempting to commit the crime has clearly retreated from the criminal activity.
43	(5) "Clearly retreated" means that the person committing the criminal act has fully,
44	clearly, and immediately ceased all hostile, threatening, violent, or criminal behavior or
45	activity.
46	Section 2. Effective date.
47	If approved by two-thirds of all the members elected to each house, this bill takes effect
48	upon approval by the governor, or the day following the constitutional time limit of Utah
49	Constitution Article VII, Section 8, without the governor's signature, or in the case of a veto,
50	the date of veto override.