

Subject Removing the duty to retreat before using force in defense of self or others

Authors Bliss and others

Analyst Ben Johnson (ben.johnson@house.mn.gov)

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Overview

This bill would remove the duty to retreat before a person uses force in self-defense or to defend another.

Many of the earliest laws made it illegal to cause harm to another person, but the right to act in self-defense was an exception in English law before the founding of the United States. A long history of decisions in England placed limits on when a person could act in self-defense and courts in the United States, including in Minnesota, have said that laws here include those limits. Specifically, a person must satisfy four standards before using force:

- 1) the person must not have been the aggressor or provoked the situation;
- 2) the person must have actually believed that the situation created an imminent danger of bodily harm;
- 3) the person's fear must be based on a reasonable view of the situation; and
- 4) the person must not have had a reasonable possibility to retreat to avoid the danger.

The level of force a person uses must not be excessive and a person cannot use deadly force unless the person reasonably believes that the other person is threatening to cause great bodily harm or death. Minnesota has a version of the "castle doctrine" which says that people in their homes are not required to retreat and can use deadly force to prevent the commission of any felony inside the person's home. The level of force used within a home must still be reasonable – if a threat ends, the right to use force ends.

This summer, the Minnesota Supreme Court decided *State v. Blevins* and held that the duty to retreat applies to so-called "fear" assaults involving the threatened use of a deadly weapon in addition to actually causing harm to

another person. This bill would eliminate the requirement that a person retreat before threatening harm or causing harm.

Summary

Section	Description
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| 1 | <p>When authorized.</p> <p>Specifies that there is no duty to retreat before using reasonable force to resist an offense against the person or assist another in resisting such an offense.</p> |
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