

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

SENATE FILE NO. [BILL NUMBER]

Stand your ground.

Sponsored by: Senator(s) Bouchard

A BILL

for

1 AN ACT relating to crimes and civil liability; establishing  
2 and modifying when defensive force can be used; establishing  
3 when the opportunity to retreat may be considered; providing  
4 immunity from criminal or civil liability for reasonable use  
5 of defensive force; providing for an award of costs if a civil  
6 lawsuit is filed as specified; providing a definition; and  
7 providing for an effective date.

8

9 *Be It Enacted by the Legislature of the State of Wyoming:*

10

11 **Section 1.** W.S. 7-2-109 is created to read:

12

13

1           **7-2-109. Immunity for reasonable use of defensive**  
2 **force; preconditions for arrest when defensive force is used.**

3

4           (a) A person who uses reasonable defensive force  
5 pursuant to W.S. 6-2-602 shall be immune from any arrest,  
6 detention, charging, citation or prosecution for using  
7 defensive force.

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9           (b) A peace officer may use standard investigating  
10 procedures for investigating the use of defensive force but  
11 shall not arrest a person for using defensive force unless  
12 the peace officer determines that there is probable cause  
13 that the defensive force was not reasonable under W.S.  
14 6-2-602.

15

16           (c) A person who uses reasonable defensive force may be  
17 wrong in his estimation of the danger or the force necessary  
18 to repel the danger as long as there is a reasonable basis  
19 for the belief of the person and the person acts reasonably  
20 in the response to that belief.

21

1 (d) A person arrested or prosecuted who believes that  
2 he is entitled to immunity under subsection (a) of this  
3 section may file a motion with the court asserting that the  
4 person used reasonable defensive force under W.S. 6-2-602.  
5 Upon the filing of the motion the court shall hold a hearing  
6 prior to trial and shall grant the person's motion unless the  
7 party seeking to overcome the immunity in subsection (a) of  
8 this section proves beyond a reasonable doubt that the person  
9 did not use reasonable defensive force under W.S. 6-2-602.

10  
11 **Section 2.** W.S. 6-1-204 and 6-2-602(d) by creating a  
12 new paragraph (iii) and a by creating a new subsection (e)  
13 are amended to read:

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15 **6-1-204. Immunity from civil action for justifiable use**  
16 **of force; attorney fees.**

17  
18 (a) Except as provided by W.S. 6-1-103(a), a person who  
19 uses ~~force as reasonably necessary in defense of his person,~~  
20 ~~property or abode or to prevent injury to another~~ reasonable  
21 defensive force pursuant to W.S. 6-2-602 is immune from civil  
22 action for the use of the force.

1

2       (b) A person who uses reasonable defensive force may be  
3 wrong in his estimation of the danger or the force necessary  
4 to repel the danger as long as there is a reasonable basis  
5 for the belief of the person and the person acts reasonably  
6 in the response to that belief.

7

8       (c) In a civil action filed against a person related to  
9 the person's use of defensive force, the person may file a  
10 motion with the court asserting that the person used  
11 reasonable defensive force under W.S. 6-2-602. Upon the  
12 filing of the motion the court shall hold a hearing prior to  
13 trial and shall grant the person's motion unless the party  
14 seeking to overcome the immunity in subsection (a) of this  
15 section proves by clear and convincing evidence that the  
16 person did not use reasonable defensive force under W.S.  
17 6-2-602.

18

19       (d) A court shall award reasonable attorney fees, court  
20 costs, compensation for any loss of income and all other  
21 expenses incurred by a person in defense of any civil action  
22 arising from the person's use of reasonable force pursuant to

1 W.S. 6-2-602 if the court finds that the defendant is immune  
2 from civil action under subsection (a) of this section.

3  
4 **6-2-602. Use of force in self defense; no duty to**  
5 **retreat.**

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7 (d) As used in this section:

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9 (iii) "Reasonable defensive force" means the  
10 threatened or actual use of force that a reasonable person in  
11 like circumstances would judge to be necessary to prevent an  
12 injury or loss, and no more, and can include deadly force if  
13 such force is necessary to prevent death or serious bodily  
14 injury to himself or another, or it is reasonable to believe  
15 that such force is necessary to resist a like force or threat.

16  
17 (e) A person who is not engaged in illegal activity has  
18 no duty to retreat from any place where the person is lawfully  
19 present before using reasonable defensive force as defined in  
20 paragraph (d)(iii) of this section. A finder of fact shall  
21 not be permitted to consider the possibility of retreat as a  
22 factor in determining whether a person who used reasonable

1 defensive force reasonably believed that the force was  
2 necessary to prevent death or serious bodily injury to himself  
3 or another.

4

5 **Section 3.** This act is effective July 1, 2018.

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(END)