

REFERENCE TITLE: justification; deadly physical force exceptions

State of Arizona  
Senate  
Fifty-sixth Legislature  
First Regular Session  
2023

## **SB 1339**

Introduced by  
Senators Mendez: Diaz, Gonzales, Hatathlie, Hernandez, Sundareshan;  
Representative Salman

AN ACT

AMENDING SECTION 13-405, ARIZONA REVISED STATUTES; RELATING TO  
JUSTIFICATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Section 13-405, Arizona Revised Statutes, is amended to  
3 read:  
4 13-405. Justification; use of deadly physical force;  
5 exceptions  
6 A. A person is justified in threatening or using deadly physical  
7 force against another:  
8 1. If ~~such~~ THE person would be justified in threatening or using  
9 physical force against the other under section 13-404, and  
10 2. When and to the degree a reasonable person would believe that  
11 deadly physical force is immediately necessary to protect himself against  
12 the other's use or attempted use of unlawful deadly physical force.  
13 B. A PERSON IS NOT JUSTIFIED IN THREATENING OR USING DEADLY  
14 PHYSICAL FORCE AGAINST ANOTHER IF THE PERSON EITHER:  
15 1. LEAVES A PLACE OF SAFETY AND ACTIVELY PURSUES THE OTHER PERSON  
16 WHO IS ENGAGED IN A LAWFUL ACTIVITY.  
17 2. PURSUES THE OTHER PERSON AFTER A LAW ENFORCEMENT OFFICER  
18 REQUESTS THAT THE PERSON RETREAT TO A PLACE OF SAFETY.  
19 ~~B.~~ C. A person has no duty to retreat before threatening or using  
20 deadly physical force pursuant to this section if the person is in a place  
21 where the person may legally be and is not engaged in an unlawful act.