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

Mr. GAETZ introduced the following bill; which was referred to the Committee on ______________________

A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited “Stand your Ground Act of 2021”.
SEC. 2. CERTAIN AFFIRMATIVE DEFENSES.

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

“CHAPTER 124—AFFIRMATIVE DEFENSES

“SEC. 2730. AFFIRMATIVE DEFENSE FOR CERTAIN CRIMINAL VIOLATIONS.

“(a) USE OR THREATENED USE OF FORCE IN DEFENSE OF PERSON.—It shall be an affirmative defense to a violation of this title if:

“(1) A person is justified in using, threatening, or attempting to use force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against an aggressor’s imminent use of unlawful force. A person who uses or threatens to use force in accordance with this paragraph does not have a duty to retreat before using or threatening to use such force.

“(2) A person is justified in using, threatening, or attempting to use deadly force if he or she reasonably believe that using, threatening, or attempting to use such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of
a forcible felony. A person who uses, threatens, or attempts to use deadly force in accordance with this paragraph does not have a duty to retreat and has the right to stand your ground if the person using, threatening, or attempts to use the deadly force is not engaged in a criminal activity and is in a place where he or she have a right to be.

“(b) DEFINITIONS.—In this section:

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

“(2) FORCIBLE FELONY.—The term ‘forcible felony’ includes treason, murder, manslaughter, sexual battery, carjacking, home-invasion robbery, robbery, burglary, arson, kidnapping, aggravated assault, aggravated battery, aggravated stalking, aircraft piracy, unlawful throwing, placing, or discharging of a destructive device or bomb, and any other felony which involves the use or threat of physical force or violence against any individual.

“(3) STAND YOUR GROUND.—The term ‘stand your ground’ means the allowance of an individual to defend himself or herself by any means necessary when his or her life is threatened.”.
(b) EFFECTIVE DATE; APPLICABILITY.—The amendments made under subsection (a) shall take effect on the date of the enactment of this Act and may be used as an affirmative defense by a defendant in the prosecution of a criminal offense initiated after the date of the enactment of this Act.