

503.080 Protection of property.

- (1) The use of physical force by a defendant upon another person is justifiable when the defendant believes that such force is immediately necessary to prevent:
 - (a) The commission of criminal trespass, robbery, burglary, or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055, in a dwelling, building or upon real property in his possession or in the possession of another person for whose protection he acts; or
 - (b) Theft, criminal mischief, or any trespassory taking of tangible, movable property in his possession or in the possession of another person for whose protection he acts.
- (2) The use of deadly physical force by a defendant upon another person is justifiable under subsection (1) only when the defendant believes that the person against whom such force is used is:
 - (a) Attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or
 - (b) Committing or attempting to commit a burglary, robbery, or other felony involving the use of force, or under those circumstances permitted pursuant to KRS 503.055, of such dwelling; or
 - (c) Committing or attempting to commit arson of a dwelling or other building in his possession.
- (3) A person does not have a duty to retreat if the person is in a place where he or she has a right to be.

Effective: July 12, 2006

History: Amended 2006 Ky. Acts ch. 192, sec. 5, effective July 12, 2006. -- Created 1974 Ky. Acts ch. 406, sec. 33, effective January 1, 1975.