



PROPOSAL 14  
Public Hearing: 11-27-07

TO: MEMBERS OF THE JUDICIARY COMMITTEE  
FROM: CONNECTICUT TRIAL LAWYERS ASSOCIATION (CTLA)  
DATE: NOVEMBER 27, 2007

**RE: OPPOSITION TO IMMUNITY PROVISION IN PROPOSAL 14 – AN ACT  
CONCERNING THE JUSTIFIABLE USE OF DEADLY FORCE IN DEFENSE OF  
PREMISES**

The CTLA **opposes** section 1(b) of Proposal 14 in today's public hearing regarding criminal justice reform, and respectfully contends that this civil immunity provision be removed.

This section attempts to grant not only criminal immunity to those who use justifiable deadly force as defined in section 1(a) of the proposal, but also *civil* immunity from liability.

The CTLA respectfully contends that immunity from civil liability is not properly placed in this context, as criminal and civil liability are very different, from the possible penalties and restitutions given out as a result of them to the very different components of proving them.

The idea of justifiable homicide, codified in all fifty states, provides for immunity from *criminal* prosecution when deadly force is used in certain instances, generally involving danger to life or limb or intrusion into a dwelling. This statute is meant to allow for a last resort for a person in imminent danger of being harmed or having their dwelling invaded. Self defense is also already a common law defense in civil matters, without the presence of the proposed language.

The difficulty with such a broad civil immunity in this context is who will decide what does or does not constitute justifiable force? Will immunity be granted simply because a prosecutor decides not to press charges? The burden of proof is different in civil and criminal contexts, and to allow for a dismissal without any burden from a civil viewpoint might preclude legitimate claims.

No other immunity for civil liability is provided for in Title 53 of the General Statutes, and the CTLA respectfully believes that to provide for it here would be a poor precedent to set.

**WE RESPECTFULLY URGE YOU TO REMOVE THE CIVIL IMMUNITY PROVISION FROM  
PROPOSAL 14. Thank you.**