

HR 7716

American Family and Private Property Defense Act

Congress: 116 (2019–2021, Ended)

Chamber: House

Policy Area: Crime and Law Enforcement

Introduced: Jul 21, 2020

Current Status: Referred to the House Committee on the Judiciary.

Latest Action: Referred to the House Committee on the Judiciary. (Jul 21, 2020)

Official Text: <https://www.congress.gov/bill/116th-congress/house-bill/7716>

Sponsor

Name: Rep. Smith, Jason [R-MO-8]

Party: Republican • **State:** MO • **Chamber:** House

Cosponsors (4 total)

Cosponsor	Party / State	Role	Date Joined
Rep. Graves, Sam [R-MO-6]	R · MO		Jul 21, 2020
Rep. Long, Billy [R-MO-7]	R · MO		Jul 21, 2020
Rep. Luetkemeyer, Blaine [R-MO-3]	R · MO		Jul 21, 2020
Rep. Hartzler, Vicky [R-MO-4]	R · MO		Nov 20, 2020

Committee Activity

Committee	Chamber	Activity	Date
Judiciary Committee	House	Referred To	Jul 21, 2020

Subjects & Policy Tags

Policy Area:

Crime and Law Enforcement

Related Bills

No related bills are listed.

American Family and Private Property Defense Act

This bill establishes various defenses a defendant charged with a crime of violence may assert and contains other related provisions.

It shall be an affirmative defense if the defendant used force, including deadly force, against another person if the defendant reasonably believed such force was necessary to defend the defendant or a third party from what the defendant reasonably believed was the person's use (or imminent use) of unlawful force. (An affirmative defense allows a defendant to escape criminal liability, but the defendant has the burden to prove that the defendant is entitled to the defense.)

A defendant who used deadly force may also assert this defense if the force was used against a person who unlawfully enters, attempts to unlawfully enter, or remains after unlawfully entering the private property lawfully occupied by a third party.

If such a defendant was the initial aggressor, the defendant may still assert this affirmative defense in certain instances. A defendant has no duty to retreat from any location where the defendant has a right to be.

The bill also establishes an affirmative defense for a defendant who used physical force on another to the extent the defendant reasonably believed such force was necessary to prevent what the defendant reasonably believed to be the commission or attempted commission of theft or damage of property.

Evidence of a defendant suffering from battered spouse syndrome shall be admissible as to the issue of whether the defendant lawfully acted in self-defense or defense of another.

Actions Timeline

- **Jul 21, 2020:** Introduced in House
- **Jul 21, 2020:** Referred to the House Committee on the Judiciary.

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