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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 5059

03/20/2024 Authored by Hollins
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; amending the authorization for the intentional taking of
1.3 the life of another by a person other than a peace officer; amending Minnesota
1.4 Statutes 2022, section 609.065.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2022, section 609.065, is amended to read:

1.7 609.065 JUSTIFIABLE TAKING OF LIFE.

1.8 (a) The intentional taking of the life of another is not authorized by section 609.06,
1.9 except when necessary in resisting or preventing an offense which the actor reasonably
1.10 believes exposes the actor or another to great bodily harm or death, or preventing the
1.11 commission of a felony in the actor's place of abode.

1.12 (b) To present a defense under this section in a criminal case involving death of the
1.13 victim or an attempt to kill the victim, the defense has the burden of presenting evidence
1.14 of the following elements of a sufficient threat to justify the taking of a life, any of which
1.15 may then be disproven by the state beyond a reasonable doubt to rebut the defense:

1.16 (1) the absence of aggression or provocation on the part of the defendant;

1.17 (2) the defendant's actual and honest belief that he or she was in imminent danger of
1.18 death or great bodily injury;

1.19 (3) the existence of reasonable grounds for that belief; and

1.20 (4) the absence of a reasonable possibility of retreat to avoid the danger, unless in one's
1.21 own home.

- 2.1 (c) In criminal cases where there is a history of prior physical abuse with the defendant  
2.2 as the recipient of abuse and the victim as the abuser, that history of physical abuse can be  
2.3 put before and considered by the trier of fact for the purposes of evaluating whether or not  
2.4 the threat presented created an imminent danger of death or great bodily injury and whether  
2.5 or not the defendant displayed aggression or provocation.