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'Let's let criminals wonder'

Deadly-force bill moves closer to law

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The Star's Jefferson City correspondents

JEFFERSON CITY — The Missouri House gave preliminary approval Wednesday to legislation that would give legal protections to people who use deadly force against intruders into their homes or vehicles.

Supporters praised the bill for bolstering victims' rights, giving homeowners protection against malicious lawsuits and providing drivers greater authority to fight back against carjackers.

Rep. Curt Dougherty, an Independence Democrat, spoke for many supporters when he praised the bill for eliminating a provision in current law that requires a person to try to retreat from a confrontation inside a dwelling or vehicle before using deadly force. Such a requirement, he said, encourages crime.

"Let's let criminals wonder whether this could be their last crime," said. Dougherty "I say to criminals, 'Do you feel lucky, punk?'"

Critics said current law already allows people to defend themselves. They warned that the bill would encourage gunplay, could lead to the shooting of innocent people and could be abused to help gang members get away with murder.

The bill would expand the definition of justifiable use of deadly force. Current law requires a person to believe that deadly force is necessary to protect himself or another person from serious injury or from becoming the victim of a serious crime. A person has an obligation to avoid a deadly confrontation if possible.

Under the bill, a person would be justified in using deadly force against a person who illegally enters, attempts to enter or remains in a home or vehicle without permission. "Home" would include a hotel room, apartment, tent or other habitable structure.

A person who used deadly force against an intruder would not be subject to criminal prosecution or liable for civil damages.

The bill's sponsor, Republican Rep. Marilyn Ruestman of Joplin, said the change would give homeowners the right to stop an intruder breaking into their home without having to determine whether the intruder intended to harm them.

Rep. John Burnett, a Kansas City Democrat, said the bill was unnecessary. It would not give anyone added protection but would encourage people to use deadly force, he said. He recalled a conversation with other lawyers in which he was asked whether he supported the death penalty for home burglaries.

" Burnett "I said. "Existing law gives me the house I do,' right to defend my replied, 'At my house, my family and my property. If you break into my house, you do so at your peril."

Rep. Rick Johnson, a High Ridge Democrat, complained that the bill was so vague that it could lead to tragedy. He said the bill didn't require a homeowner to exercise reasonable care before opening fire. If a person came to an open front door and leaned in to call the homeowner's name, the visitor could be risking his life.

Others worried that the bill would allow a gang member to invite a rival to his home. The gang member could kill the rival inside the home and call it justifiable.

House members dismissed the criticisms, approving the legislation on a voice vote. It must receive final approval before heading to the Senate.

The legislation is House Bill 1461.

Ethanol

In other business Wednesday, the House gave preliminary approval to a bill that would require all gasoline sold in Missouri to contain 10 percent ethanol by 2008. Proponents said the measure would boost rural economies while easing dependence on foreign oil.

Opponents said the measure was interfering with the free market.

The bill is HB 1270.