

**What are the laws in New Hampshire concerning use of force?****RSA 627:4 Physical Force in Defense of a Person.**

I. A person is justified in using non-deadly force upon another person in order to defend himself or a third person from what he reasonably believes to be the imminent use of unlawful, non-deadly force by such other person, and he may use a degree of such force which he reasonably believes to be necessary for such purpose. However, such force is not justifiable if:

- a. With a purpose to cause physical harm to another person, he provoked the use of unlawful, non-deadly force by such other person; or
- b. He was the initial aggressor, unless after such aggression he withdraws from the encounter and effectively communicates to such other person his intent to do so, but the latter notwithstanding continues the use or threat of unlawful, non-deadly force; or
- c. The force involved was the product of a combat by agreement not authorized by law.

II. A person is justified in using deadly force upon another person when he reasonably believes that such other person:

- a. Is about to use unlawful, deadly force against the actor or a third person;
- b. Is likely to use any unlawful force against a person present while committing or attempting to commit a burglary;
- c. Is committing or about to commit kidnapping or a forcible sex offense; or
- d. Is likely to use any unlawful force in the commission of a felony against the actor within such actor's dwelling or its curtilage.

III. A person is not justified in using deadly force on another to defend himself or a third person from deadly force by the other if

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he knows that he and the third person can, with complete safety:

- a. Retreat from the encounter, except that he is not required to retreat if he is within his dwelling or its curtilage and was not the initial aggressor; or
- b. Surrender property to a person asserting a claim of right thereto; or
- c. Comply with a demand that he abstain from performing an act which he is not obliged to perform; nor is the use of deadly force justifiable when, with the purpose of causing death or serious bodily harm, the actor has provoked the use of force against himself in the same encounter.
- d. If he is a law enforcement officer or a private person assisting him at his direction and was acting pursuant to RSA 627:5, he need not retreat.

### **RSA 627:7 Use of Force in Defense of Premises.**

A person in possession or control of premises or a person who is licensed or privileged to be thereon is justified in using non-deadly force upon another when and to the extent that he reasonably believes it necessary to prevent or terminate the commission of criminal trespass by such other in or upon such premises, but he may use deadly force under such circumstances only in defense of a person as prescribed in RSA 627:4 or when he reasonably believes it necessary to prevent an attempt by the trespasser to commit arson.

### **RSA 627:8 Use of Force in Property Offenses.**

A person is justified in using force upon another when and to the extent that he reasonably believes it necessary to prevent what is or reasonably appears to be an unlawful taking of his property, or criminal mischief, or to retake his property immediately following its taking; but he may use deadly force under such circumstances only in defense of a person as prescribed in RSA 627:4.

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