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Justification, use of physical force in defense of a person

Penal (PEN) CHAPTER 40, PART 1, TITLE C,
ARTICLE 35

§ 35.15 Justification; use of physical force in defense of a person.

1. A person may, subject to the provisions of subdivision two, use physical force upon another person when and to the extent he or she reasonably believes such to be necessary to defend himself, herself or a third person from what he or she reasonably believes to be the use or imminent use of unlawful physical force by such other person, unless:

(a) The latter's conduct was provoked by the actor with intent to cause physical injury to another person; or

(b) The actor was the initial aggressor; except that in such case the use of physical force is nevertheless justifiable if the actor has



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the incident by the use or threatened imminent use of unlawful physical force; or

(c) The physical force involved is the product of a combat by agreement not specifically authorized by law.

2. A person may not use deadly physical force upon another person under circumstances specified in subdivision one unless:

(a) The actor reasonably believes that such other person is using or about to use deadly physical force. Even in such case, however, the actor may not use deadly physical force if he or she knows that with complete personal safety, to oneself and others he or she may avoid the necessity of so doing by retreating; except that the actor is under no duty to retreat if he or she is:

(i) in his or her dwelling and not the initial aggressor; or



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direction, acting pursuant to
section 35.30; or

(b) He or she reasonably believes that such
other person is committing
or attempting to commit a kidnapping,
forcible rape, forcible aggravated
sexual abuse, a crime formerly defined in
section 130.50 of this chapter
by force, or robbery; or

(c) He or she reasonably believes that such
other person is committing
or attempting to commit a burglary, and
the circumstances are such that
the use of deadly physical force is
authorized by subdivision three of
section 35.20.

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