

# Gilford Police Department

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## STATE OF NH CRIMINAL CODE CHAPTER 627: JUSTIFICATION 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 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.
- II-a. A person who responds to a threat which would be considered by a reasonable person as likely to cause serious bodily injury or death to the person or to another by displaying a firearm or other means of self-defense with the intent to warn away the person making the threat shall not have committed a criminal act.
- III. A person is not justified in using deadly force on another to defend himself or herself or a third person from deadly force by the other if he or she knows that he or she and the third person can, with complete safety:
  - (a) Retreat from the encounter, except that he or she is not required to retreat if he or she is within his or her dwelling, its curtilage, or anywhere he or she has a right to be, 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 or she abstain from performing an act which he or she 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 person has provoked the use of force against himself or herself in the same encounter; or
  - (d) If he or she is a law enforcement officer or a private person assisting the officer at the officer's direction and was acting pursuant to RSA 627:5, the person need not retreat.