

Bill Summary
1st Session of the 59th Legislature

Bill No.:	SB 831
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Bill Analysis

SB 831 provides that at least 10 days prior to a preliminary hearing in a case where the defendant has been charged and is subject to criminal prosecution for the unlawful use of defensive force, the defendant may file a motion to dismiss the charges based on a claim that the defendant is not subject to criminal prosecution. Such persons are authorized to file an interlocutory appeal if the court denies the motion to dismiss. The appeal hearing before the district court judge or associate district court judge shall address whether the defensive force used by the defendant was unlawful or justified. If the use of force was justified, the court shall enter a written order containing findings of fact and conclusions of law that the defendant is not subject to criminal prosecution and that criminal charges and proceedings shall be dismissed. If the use of force was not justified, the court shall enter a finding binding the defendant to trial. Once prima facie evidence of justified self-defense has been raised by the defendant, the prosecution shall be required to prove by clear and convincing evidence that the defensive force used was not justified and was thereby unlawful.

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