

HB192 ENROLLED



1 HB192
2 L5IUFWA-3
3 By Representative Faulkner
4 RFD: Judiciary
5 First Read: 13-Jan-26



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1 Enrolled, An Act,

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3 Relating to criminal law; to amend Section 13A-3-23,
4 Code of Alabama 1975, to further provide for the justification
5 of using physical force in defense of self or an individual;
6 to establish a presumption that the use of force in defense of
7 self or another is not justified when a defendant engages in
8 certain conduct.

9 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

10 Section 1. Section 13A-3-23, Code of Alabama 1975, is
11 amended to read as follows:

12 "§13A-3-23

13 (a) A person is justified in using physical force upon
14 another person ~~in order to~~ when both of the following are
15 satisfied:

16 (1) The person's use of force is to defend himself or
17 herself or a third person from what he or she reasonably
18 believes to be the use or imminent use of unlawful physical
19 force by another ~~that other person, and he or she may use.~~

20 (2) The person uses a degree of force which he or she
21 reasonably believes to be necessary for the purpose.

22 (b) (1) A person may use deadly physical force, and is
23 legally presumed to be justified in using deadly physical
24 force in self-defense or ~~the~~ defense of another ~~person~~
25 pursuant to this subdivision ~~(5)~~, if the person reasonably
26 believes that another person is doing any of the following:

27 ~~(1)~~ a. Using or about to use unlawful deadly physical
28 force.



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29 ~~(2)~~b. Using or about to use physical force against an
30 occupant of a dwelling while committing or attempting to
31 commit a burglary of such dwelling.

32 ~~(3)~~c. Committing or about to commit a kidnapping in any
33 degree, assault in the first or second degree, burglary in any
34 degree, robbery in any degree, forcible rape, or forcible
35 sodomy.

36 ~~(4)~~d. Using or about to use physical force against an
37 owner, employee, or other person authorized to be on business
38 property when the business is closed to the public while
39 committing or attempting to commit a crime involving death,
40 serious physical injury, robbery, kidnapping, rape, sodomy, or
41 a crime of a sexual nature involving a child under ~~the age of~~
42 12 years of age.

43 ~~(5)~~e. In the process of unlawfully and forcefully
44 entering, or has unlawfully and forcefully entered, a
45 dwelling, residence, business property, or occupied vehicle,
46 or federally licensed nuclear power facility, or is in the
47 process of sabotaging or attempting to sabotage a federally
48 licensed nuclear power facility, or is attempting to remove,
49 or has forcefully removed, a person against his or her will
50 from any dwelling, residence, business property, or occupied
51 vehicle when the person has a legal right to be there, and
52 provided that the person using the deadly physical force knows
53 or has reason to believe that an unlawful and forcible entry
54 or unlawful and forcible act is occurring.

55 (2) The legal presumption that a person using deadly
56 physical force is justified to do so pursuant to this



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57 subdivision does not apply if any of the following apply:

58 a. The person against whom the defensive force is used
59 has the right to be in or is a lawful resident of the
60 dwelling, residence, or vehicle, such as an owner or lessee,
61 and there is not an injunction for protection from domestic
62 violence or a written pretrial supervision order of no contact
63 against that person;

64 b. The person sought to be removed is a child or
65 grandchild, or is otherwise in the lawful custody or under the
66 lawful guardianship of, the person against whom the defensive
67 force is used;

68 c. The person who uses defensive force is engaged in an
69 unlawful activity or is using the dwelling, residence, or
70 occupied vehicle to further an unlawful activity; or

71 d. The person against whom the defensive force is used
72 is a law enforcement officer acting in the performance of his
73 or her official duties.

74 ~~(b)~~(c) A person who is otherwise justified under
75 ~~subsection (a)~~ this section in using physical force, including
76 deadly physical force, and who is not engaged in an unlawful
77 activity, and who is in any place where he or she has the
78 right to be has no duty to retreat and has the right to stand
79 his or her ground.

80 ~~(e)~~(d) Notwithstanding the provisions of subsection (a)
81 or (b), a person is not justified in using physical force if
82 any of the following apply:

83 (1) With intent to cause physical injury or death to
84 another ~~person~~, he or she provoked the use of unlawful



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85 physical force by ~~such~~ the other person.

86 (2) He or she was the initial aggressor, except that
87 his or her use of physical force upon another person ~~under the~~
88 ~~circumstances~~ is justifiable if he or she withdraws from the
89 encounter and effectively communicates to the other person his
90 or her intent to do so, but the ~~latter~~ other person
91 nevertheless continues or threatens the use of unlawful
92 physical force.

93 (3) The physical force involved was the product of a
94 combat by agreement not specifically authorized by law.

95 (e) At any time when a defense is claimed under this
96 section, if the defendant concealed, altered, destroyed, or
97 otherwise disposed of the deadly weapon or dangerous
98 instrument used in the commission of the alleged offense,
99 other than by voluntarily providing the unaltered deadly
100 weapon or dangerous instrument to law enforcement after
101 reaching safety and without undue delay following the alleged
102 offense, there shall be a rebuttable presumption that the
103 defendant's use of physical force, including deadly physical
104 force, was not justified.

105 ~~(d)~~ (f) (1) A person who uses force, including deadly
106 physical force, as justified and permitted in this section, is
107 immune from criminal prosecution and civil action for the use
108 of such force, unless the force was determined to be unlawful.

109 (2) Prior to the commencement of a trial in a case in
110 which a defense is claimed under this section, the court
111 having jurisdiction over the case, upon motion of the
112 defendant, shall conduct a pretrial hearing to determine



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113 whether force, including deadly force, used by the defendant
114 was justified or whether it was unlawful under this section.
115 During any pretrial hearing to determine immunity, the
116 defendant must show by a preponderance of the evidence that he
117 or she is immune from criminal prosecution.

118 (3) If, after a pretrial hearing under subdivision (2),
119 the court concludes that the defendant has proven by a
120 preponderance of the evidence that force, including deadly
121 force, was justified, the court shall enter an order finding
122 the defendant immune from criminal prosecution and dismissing
123 the criminal charges.

124 (4) If the defendant does not meet his or her burden of
125 proving immunity at the pre-trial hearing, he or she may
126 continue to pursue the defense of self-defense or defense of
127 another person at trial. Once the issue of self-defense or
128 defense of another person has been raised by the defendant,
129 the state continues to bear the burden of proving beyond a
130 reasonable doubt all of the elements of the charged conduct.

131 ~~(e)~~ (g) A law enforcement agency may use standard
132 procedures for investigating the use of force described in
133 ~~subsection (a) this section~~, but ~~the agency may not arrest the~~
134 any person for using force unless ~~it determines that~~ there is
135 probable cause that the force used was unlawful."

136 Section 2. This act shall become effective on October
137 1, 2026.



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Speaker of the House of Representatives

President and Presiding Officer of the Senate

House of Representatives

I hereby certify that the within Act originated in and was passed by the House 03-Feb-26, as amended.

John Treadwell
Clerk

Senate

08-Apr-26

Amended and Passed

House

09-Apr-26

Concurred in Senate
Amendment