

Capitol Report
Senator Luann Ridgeway
March 26, 2007

Castle Doctrine

By a vote of 32 to 2, the Missouri Senate has given final approval to legislation allowing property owners to protect their homes and families from intruders. The so-called "Castle Doctrine" is a well-established legal concept that's being adopted in a growing number of states.

Under current state law, if someone unlawfully enters your home or attempts a car-jacking, you are required to first retreat instead of immediately fighting to protect yourself. The burden is on the home owner to establish that an intruder means to do them bodily harm before they can use appropriate force against them. Does this make any sense? If someone crashes through your front door, he's probably not there for a picnic!

A version of the "Castle Doctrine" approved by the Missouri Senate makes three major changes to our current law. First, it creates the presumption that criminals who unlawfully enter and remain in your home intend to do harm to you and your family. Second, the legislation removes the requirement that property owners retreat from their home, or car when someone has entered unlawfully. Finally, the bill states that a person who uses justified force against an invader is immune from criminal prosecution or civil action.

One example of where the Castle Doctrine would be of help is for victims of domestic violence. In many instances, an abused spouse retreats from the home. Then the abuse victim may retreat to the courts to obtain an order of protection and/or a Dissolution of Marriage. Once the victimized spouse is living on their own, the abuser then forcibly enters the victim's home or car. With the Castle Doctrine, the abused spouse could immediately fight to protect themselves or their children. How many times must an abused spouse retreat before we give them the legal right to use force for self protection? By passing the Castle Doctrine, the Missouri Senate said "enough is enough" by allowing the immediate use of force to protect yourself in response to forced entry to your home or car.

One of the main purposes of government is to protect the rights of property and to preserve life and liberty. The legislation being advanced this year returns to the citizens their right to protect themselves. These rights were eroded through a series of bad court decisions.

Your home is your castle, and you have a right to be safe inside its walls. The bill now progresses to the House of Representatives for consideration.

Contact Information: Senator Luann Ridgeway: State Capitol- Room 419, Phone: (573) 751-2547, Toll Free- 866-875-8348, Fax: (573) 751-9771, E-mail: luann.ridgeway@senate.mo.gov