

Document: C.R.S. 18-1-706

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Colorado Revised Statutes Annotated **Title 18. Criminal Code (Arts. 1 – 26)** **Article 1. Provisions Applicable to Offenses Generally (Pts. 1 – 11)** **Part 7. Justification and Exemptions from Criminal Responsibility (§§ 18-1-701 – 18-1-714)**

18-1-706. Use of physical force in defense of property.

A person is justified in using reasonable and appropriate physical force upon another person when and to the extent that he reasonably believes it necessary to prevent what he reasonably believes to be an attempt by the other person to commit theft, criminal mischief, or criminal tampering involving property, but he may use deadly physical force under these circumstances only in defense of himself or another as described in section 18-1-704.

History

Source: L. 71:R&RE, p. 409, § 1. **C.R.S. 1963:**§ 40-1-806.

▼ Annotations

Research References & Practice Aids

Hierarchy Notes:

C.R.S. Title 18

C.R.S. Title 18, Art. 1

State Notes

ANNOTATION

Law reviews.

For article, "Self-Defense in Colorado", see 24 Colo. Law. 2717 (1995). For article, "POWPO and Gun Rights After Carbajal", see 44 Colo. Law. 31 (Sept. 2015).

One cannot instantly kill in defense of property.

While a man may use all reasonable and necessary force to defend his real and personal estate, of which he is in the actual possession, against another who comes to dispossess him without right, he cannot instantly carry his defense to the extent of killing the aggressor. If no other way is open, he must yield and get himself righted by resort to the law. *Bush v. People*, 10 Colo. 566, 16 P. 290 (1887) (decided under G. S. § 721).

When instruction on defense appropriate.

A defendant is entitled to a jury instruction on an affirmative defense only if evidence in the record supports it. Here record does not support entitlement to instruction. *People v. Goedecke*, 730 P.2d 900 (Colo. App. 1986).

Research References & Practice Aids

Cross references:

For theft, see part 4 of article 4 of this title 18; for criminal mischief, see § 18-4-501; for criminal tampering, see §§ 18-4-505 and 18-4-506.

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