

**ARKANSANS FOR A UNIFIED
NATURAL STATE
2513 McCain Blvd #2-221, NLR, AR 72118**

**REFERENDUM PETITION
(An Act Eliminating The Reasonable Duty to Retreat Before Using Deadly Force)**

SOS USE ONLY	VALID OF _____
	BY _____ DATE _____

VOTERS REGISTERED IN _____ COUNTY

To the Honorable John Thurston, Secretary of State of the State of Arkansas, We, the undersigned registered voters of the State of Arkansas respectfully order by this, our petition, that Act No. 250 of the General Assembly of the State of Arkansas, approved on the 3rd day of March, 2021, entitled 'AN ACT CONCERNING THE DEFENSE OF A PERSON WITH THE USE OF PHYSICAL FORCE OR DEADLY PHYSICAL FORCE; AND FOR OTHER PURPOSES,' be referred to the people of said state, to the end that the same may be approved or rejected by the vote of the registered voters of the state at the biennial regular general election to be held on the 8th day of November, 2022, and each of us for himself or herself says:

I have personally signed this petition; I am a registered voter of the State of Arkansas, and my printed name, date of birth, residence, city or town of residence, and date of signing this petition are correctly written after my signature.

	SIGNATURE	PRINTED NAME	DATE OF BIRTH	STREET ADDRESS	CITY OR TOWN	DATE SIGNED
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						
10.						

(FOR CANVASSER ONLY)
 State of Arkansas, County of _____ (County where notary signs)
 I, _____, being sworn, state that each of the foregoing persons signed his or her own name to this sheet of the petition in my presence. To the best of my knowledge and belief, each signature is genuine, and each signer is a registered voter of the State of Arkansas, in the County listed. At all times during the circulation of this signature sheet, an exact copy of the Popular Name, Ballot Title, and text was attached to this signature sheet. My current residence address is correctly stated below.
 Signature _____
 Current Residence _____
 Indicate one: () Paid Canvasser () Volunteer/Unpaid Canvasser

(FOR NOTARY ONLY)
 State of Arkansas, County of _____ (County where Notary signs)
 On this ___ day of _____, 20___, before me, the undersigned Notary Public, personally appeared _____, well known to me (or satisfactorily proven by identification documents provided) to be the person described in the foregoing Canvasser Affidavit and acknowledged that s/he executed the same in capacity of a Canvasser for the purposes of fulfilling legal requirements of a Canvasser in the State of Arkansas; and that I personally witnessed the signature of the Canvasser.
 Signature of Notary _____
 My Commission Expires _____
 Residence County of Notary _____
 [Notary Seal Above]

(POPULAR NAME)	(BALLOT TITLE)
AN ACT ELIMINATING THE REASONABLE DUTY TO RETREAT BEFORE USING DEADLY FORCE (REFERRED TO THE PEOPLE OF THE STATE OF ARKANSAS)	AN ACT REMOVING THE REASONABLE DUTY TO RETREAT BEFORE USING DEADLY FORCE FROM ARKANSAS LAW, EVEN THOUGH SUCH DUTY AN INTEGRAL PART OF THE LAW BECAUSE IT PROTECTS THE HEALTH, SAFETY, AND WELFARE OF ALL CITIZENS WHILE ALSO ENSURING THAT ALL CITIZENS RETAIN THE OTHERWISE UNENCUMBERED RIGHT TO DEFEND THEIR PERSONS AND PROPERTY; BEING ACT 250 OF 2021 (SB24). A "FOR" VOTE IS A VOTE IN FAVOR OF ACT 250 AND WILL ALLOW THE REMOVAL OF 'REASONABLE DUTY TO RETREAT' BEFORE USING DEADLY FORCE FROM ARKANSAS LAW. AN "AGAINST" VOTE IS A VOTE TO REJECT ACT 250 AND PROTECT THE 'REASONABLE DUTY TO RETREAT' BEFORE USING DEADLY FORCE.

(TEXT OF REFERRED ACT – ACT 250 OF 2021 / SB24)
(Stricken language would be deleted from and underlined language would be added to present law.)
BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
SECTION 1. Arkansas Code § 5-2-606 is amended to read as follows:
5-2-606. Use of physical force in defense of a person.
(a)(1) A person is justified in using physical force upon another person to defend himself or herself or a third person from what the person reasonably believes to be the use or imminent use of unlawful physical force by that other person, and the person may use a degree of physical force that he or she reasonably believes to be necessary.
(2) However, the person may not use deadly physical force except as provided in § 5-2-607.
(b) A person is not justified in using physical force upon another person if:
(1) With purpose to cause physical injury or death to the other person, the person provokes the use of unlawful physical force by the other person;
(2)(A) The person is the initial aggressor.
(B) However, the initial aggressor's use of physical force 4 upon another person is justifiable if:
(i) The initial aggressor in good faith withdraws from the encounter and effectively communicates to the other person his or her purpose to withdraw from the encounter; and
(ii) The other person continues or threatens to continue the use of unlawful physical force; or
(3) The physical force involved is the product of a combat by agreement not authorized by law.
(c) A person who uses or threatens to use physical force as otherwise permitted under this subchapter does not have a duty to retreat before using or threatening to use the physical force if the person is:
(1) Lawfully present in the location;
(2) Not engaged in criminal activity that gives rise to the need to use physical force; and
(3) Not engaged in any activity in furtherance of a criminal gang, organization, or enterprise as defined under § 5-74-103.

SECTION 2. Arkansas Code § 5-2-607 is amended to read as follows:
5-2-607. Use of deadly physical force in defense of a person.
(a) A person is justified in using deadly physical force upon another 24 person if the person reasonably believes that the other person is:
(1) Committing or about to commit a felony involving physical force or violence. (2) Using or about to use unlawful deadly physical force; or (3) Imminently endangering the person's life or imminently about to victimize the person ~~as described in § 9-15-103~~ from the continuation of a pattern of domestic abuse.
~~(b) A person may not use deadly physical force in self defense if the person knows that he or she can avoid the necessity of using deadly physical force:~~
~~(1)(A) By retreating.~~
~~(B) However, a person is not required to retreat if the person is:~~
~~(i) Unable to retreat with complete safety; (ii) In the person's dwelling or on the curtilage surrounding the person's dwelling and was not the original aggressor; or (iii) A law enforcement officer or a person assisting at the direction of a law enforcement officer; or~~
~~(2) With complete safety by surrendering possession of property to a person claiming a lawful right to possession of the property.~~
(b) A person is not required to retreat before using deadly physical force if the person:
(1) Is lawfully present at the location where deadly physical force is used; (2) Has a reasonable belief that the person against whom the deadly physical force is used is imminently threatening to cause death or serious physical injury to the person or another person; (3) Except as provided under § 5-2-606(b)(2)(B), is not the initial aggressor and has not provoked the person against whom the deadly physical force is used; (4) Is not committing a felony offense of possession of a firearm by certain persons, § 5-73-103, with the firearm used to employ the deadly physical force, unless the person is in or at the person's dwelling or in the curtilage surrounding the person's dwelling; (5) Is not engaged in criminal activity that gives rise to the need for the use of deadly physical force at the time the deadly physical force is used; and (6) Is not engaged in any activity in furtherance of a criminal gang, organization, or enterprise as defined in § 5-74-103.
(c) As used in this section:
(1) "Curtilage" means the land adjoining a dwelling that is convenient for residential purposes and habitually used for residential

purposes, but not necessarily enclosed, and includes an outbuilding that is directly and intimately connected with the dwelling and in close proximity to the dwelling; and
(2) "Domestic abuse" means:
(A) Physical harm, bodily injury, assault, or the infliction of fear of imminent physical harm, bodily injury, or assault between family or household members; or (B) Any sexual conduct between family or household members, whether minors or adults, that constitutes a crime under the laws of this state.
SECTION 3. Arkansas Code § 5-2-615 is amended to read as follows:
5-2-615. Use of physical force by a pregnant woman in defense of her unborn child.
(a) As used in this section:
(1) "Pregnant" means the female reproductive condition of having an unborn child in the female's body; and (2) "Unborn child" means the offspring of human beings from conception until birth.
(b) A pregnant woman is justified in using physical force or deadly physical force against another person to protect her unborn child if, under the circumstances as the pregnant woman reasonably believes them to be, she would be justified under § 5-2-606 or § 5-2-607 in using physical force or deadly physical force to protect herself against the unlawful physical force or unlawful deadly physical force she reasonably believes to be threatening her unborn child. (c) The justification for using physical force or deadly physical force against another person to protect a pregnant woman's unborn child is not available if:
~~(1) The use of the physical force or deadly physical force for protection was used by a person other than the pregnant woman; or (2)(A) The use of the deadly physical force for protection would not be allowed under § 5-2-607(b).~~
~~(B) However, the pregnant woman is not obligated to retreat or surrender possession of property as described in § 5-2-607(b) unless the pregnant woman knows she can avoid the necessity of using deadly physical force and simultaneously ensure the complete safety of her unborn child.~~
/s/B. Ballinger
APPROVED: 3/3/21

Instructions to Canvassers and Signers

1. The Arkansas Constitution gives Arkansas citizens the power to (a) initiate legislation by petition of 8% of the legal voters or constitutional amendments by petition of 10% of legal voters, or (b) order the referendum against any general act or any item of an appropriation bill or measure passed by the General Assembly by petition of 6% of legal voters. A proposed measure must be submitted at a regular election. Referendum petitions may be referred to at special elections on a petition of 15% of the registered voters. Any measure submitted to the people becomes law when approved by a majority of the votes cast upon such measure.
 2. Only registered voters may sign. All signatures must be in the signer's own handwriting and in the presence of the person circulating the petition. Each petition part should contain only the signatures of voters residing in a single county.
 3. Printed name, date of birth, residence, city or town of residence, and date of signing must be given. If a petition signer needs assistance with this information due to disability, another person may print the signer's information and that person shall sign and print their name in the margin of the petition.
 4. Pursuant to Ark. Code Ann. § 7-9-103, a person commits a Class A misdemeanor, punishable by a fine of up to \$2,500 and confinement of up to one year in jail, if the person knowingly prints a name, address, or birth date other than his or her own to a petition or prints the date of signing for another person unless the signer requires assistance due to disability and the person complies with § 7-9-103.
 5. Pursuant to Ark. Code Ann. § 5-55-601(c), each of the following activities constitutes "petition fraud," which is a Class D felony and is punishable by a fine of up to \$10,000 and imprisonment for up to six years. Subsection (b) states: "A person commits the offense of petition fraud:
 - (1) If the person knowingly:
 - (A) Signs a name other than his or her name to a petition;
 - (B) Signs his or her name more than one (1) time to a petition; or
 - (C) Signs a petition when he or she is not legally entitled to sign the petition;
 - (2) If the person acting as a canvasser, notary, sponsor as defined under § 79-101, or agent of a sponsor:
 - (A) Signs a name other than his or her own to a petition;
 - (B) Prints a name, address, or birth date other than his or her own to a petition unless the signor requires assistance due to disability and the person complies with § 7-9-103;
 - (C) Solicits or obtains a signature to a petition knowing that the person signing is not qualified to sign the petition;
 - (D) Knowingly pays a person any form of compensation in exchange for signing a petition as a petitioner;
 - (E) Accepts or pays money or anything of value for obtaining signatures on a petition when the person acting as a canvasser, sponsor, or agent of a sponsor knows that the person acting as a canvasser's name or address is not included on the sponsor's list filed with the Secretary of State under § 7-9-601; or
 - (F) Knowingly misrepresents the purpose and effect of the petition or the measure affected for the purpose of causing a person to sign a petition;
 - (3) If the person acting as a canvasser knowingly makes a false statement on a petition verification form; [or]
- ***
- (5) If the person acting as a sponsor files a petition or a part of a petition with the official charged with verifying the signatures knowing that the petition or part of the petition contains one (1) or more false or fraudulent signatures unless each false or fraudulent signature is clearly stricken by the sponsor before filing."

Arkansas Attorney General


Leslie Rutledge