

Your Home and the Law is authored by the attorneys at JacksonWhite Attorneys at Law and addresses legal issues that arise for renters, homeowners and neighborhoods. **Have a question related to your home or community?** Send your questions to firm@jacksonwhitelaw.com.

Q: If an intruder were to enter my home, what action am I allowed to take to defend my home and family?

A: Some would answer, “Shoot first, ask questions later.” Not so fast, Tex, or you may be spending time in Sheriff Arpaio’s big house. There is an Arizona statute that lays out when you are justified in threatening or using physical and even deadly force. The use of force must be reasonable under the circumstances. Force must also be used to prevent one of the listed crimes in that statute which include murder, burglary, armed robbery and some others. If your actions are unreasonable or if you are acting to prevent a crime not listed in that statute, you may be charged with aggravated assault or worse, for using physical and/or deadly force.

The best advice is to be prepared and work out a plan in advance. The plan should include preparing a safe place such as a closet or small room with an interior bolt lock where you can go if you hear an intruder. The number one goal is to get to a safe place and call 911. Avoid confrontation with the intruder and avoid letting them know your location. Are you justified in using force to defend your home? Under some circumstances, yes. What you should do however, is get to a safe place and call 911.

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