

**ACKNOWLEDGEMENT OF LIMITS ON THE USE OF DEADLY FORCE**

In accordance with the authority granted by Mass General Laws, Chapter 140 S131, the licensing authority of the Town of Northborough has determined that every licensee shall be familiar with the legal limits on the use of deadly force under the laws of the Commonwealth of Massachusetts. Accordingly, all such applicants are required to read this memorandum and sign below certifying that they have read it. The applicant or licensee shall be given a copy of the memorandum at no charge.

I. **DEADLY FORCE BY CITIZEN IN ARRESTING A FELON**

The use of deadly force is not justified unless 1) the arrest is for a felony and 2) the person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer and 3) the actor reasonably believes that the force employed creates no substantial risk to innocent persons; and 4) The actor reasonably believes that (a) the crime for which the arrest is made involved conduct including the use or threatened use of deadly force; and (b) there is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.

II. **DEADLY FORCE IN SELF-DEFENSE OR DEFENSE OF OTHERS**

A. General Rule

Before a person may resort to deadly force he must 1) have reasonable grounds to believe and actually believe that he is in imminent danger of death or serious bodily injury harm, from which he can save himself only by using deadly force. 2) avail himself of all proper means to avoid physical combat before resorting to the use of deadly force, and 3) Use no more force than is reasonably necessary in all circumstances.

B. Aiding a Third Party

A person may resort to deadly force to aid a third party when (a) a reasonable person in the actor's position believes that it is necessary to intervene to protect the third party and (b) in the circumstances as that reasonable person would believe them to be, the third party would be justified in using deadly force to protect himself. The reasonableness of the belief may depend in part of the relationship between the parties.

C. In a Dwelling House

In the prosecution of a person who is an occupant of a dwelling charged with killing or injuring one who was unlawfully in said dwelling, it shall be a defense that the occupant was in his dwelling at the time of the offense and that he acted in the reasonable belief that the person unlawfully in said dwelling was about to inflict great bodily injury or death upon said occupant or upon another person lawfully in said dwelling and that said dwelling. There shall be no duty on said occupant to retreat from such person unlawfully in said dwelling.

I CERTIFY THAT I HAVE READ THE ABOVE MEMORANDUM ON THE LIMITS OF THE USE OF DEADLY FORCE

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

WITNESS: \_\_\_\_\_

DATE: \_\_\_\_\_