

503.060 Improper use of physical force in self-protection.

Notwithstanding the provisions of KRS 503.050, the use of physical force by a defendant upon another person is not justifiable when:

- (1) The defendant is resisting an arrest by a peace officer, recognized to be acting under color of official authority and using no more force than reasonably necessary to effect the arrest, although the arrest is unlawful; or
- (2) The defendant, with the intention of causing death or serious physical injury to the other person, provokes the use of physical force by such other person; or
- (3) The defendant was the initial aggressor, except that his use of physical force upon the other person under this circumstance is justifiable when:
 - (a) His initial physical force was nondeadly and the force returned by the other is such that he believes himself to be in imminent danger of death or serious physical injury; or
 - (b) He withdraws from the encounter and effectively communicates to the other person his intent to do so and the latter nevertheless continues or threatens the use of unlawful physical force.

Effective: January 1, 1975

History: Created 1974 Ky. Acts ch. 406, sec. 31, effective January 1, 1975.