

Necessity Defense

The **necessity defense** is based on an honest and reasonable belief that you had no choice but to commit a certain **crime** in order to prevent a greater harm. Dec 6, 2018

Necessity Law and Legal Definition. In the U.S. criminal **law**, **necessity** is a form of defense. Usually, defendants argue that their actions were necessary to prevent a greater evil. ... The harm the defendant wanted to avoid outweighs the danger of the prohibited conduct the person is charged with.

Sec. 9.22. NECESSITY. Conduct is justified if:

(1) the actor reasonably believes the conduct is immediately necessary to avoid imminent harm;

(2) the desirability and urgency of avoiding the harm clearly outweigh, according to ordinary standards of reasonableness, the harm sought to be prevented by the law proscribing the conduct; and

(3) a legislative purpose to exclude the justification claimed for the conduct does not otherwise plainly appear.

Acts 1973, 63rd Leg., p. 883, ch. 399, Sec. 1, eff. Jan. 1, 1974.
Amended by Acts 1993, 73rd Leg., ch. 900, Sec. 1.01, eff. Sept. 1, 1994.