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.