

HOUSE BILL 992

E2
HB 985/09 – JUD

0lr2382

By: **Delegate Conaway**
Introduced and read first time: February 12, 2010
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Self-Defense – Immunity for Use of Physical Force in Defense**
3 **of Dwelling or Place of Business**

4 FOR the purpose of establishing that an occupant of a dwelling or place of business is
5 justified in using any degree of physical force, including deadly physical force,
6 against another person when that other person has made an unlawful entry into
7 the dwelling or place of business and the occupant has certain reasonable beliefs
8 concerning the acts or intended acts of the other person; providing that an
9 occupant of a dwelling or place of business using physical force, including deadly
10 physical force, in accordance with this Act shall be immune from criminal
11 prosecution and civil liability for the use of the force; providing certain
12 exceptions to the provisions of this Act; and generally relating to the defense of
13 self-defense.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 3–209
17 Annotated Code of Maryland
18 (2002 Volume and 2009 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article – Criminal Law**

22 3–209.

23 **(A)** A person charged with a crime under § 3–202, § 3–203, § 3–204, or §
24 3–205 of this subtitle may assert any judicially recognized defense.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 **(B) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN**
2 **OCCUPANT OF A DWELLING OR A PLACE OF BUSINESS IS JUSTIFIED IN USING**
3 **ANY DEGREE OF PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE,**
4 **AGAINST ANOTHER PERSON WHEN:**

5 **(I) THE OTHER PERSON HAS MADE AN UNLAWFUL ENTRY**
6 **INTO THE DWELLING OR PLACE OF BUSINESS; AND**

7 **(II) THE OCCUPANT HAS A REASONABLE BELIEF THAT THE**
8 **OTHER PERSON:**

9 **1. A. HAS COMMITTED A CRIME IN THE DWELLING**
10 **OR PLACE OF BUSINESS IN ADDITION TO THE UNINVITED ENTRY; OR**

11 **B. IS COMMITTING OR INTENDS TO COMMIT A CRIME**
12 **AGAINST A PERSON OR PROPERTY IN ADDITION TO THE UNINVITED ENTRY; AND**

13 **2. MIGHT USE PHYSICAL FORCE, NO MATTER HOW**
14 **SLIGHT, AGAINST AN OCCUPANT OF THE DWELLING OR PLACE OF BUSINESS.**

15 **(2) AN OCCUPANT OF A DWELLING OR PLACE OF BUSINESS USING**
16 **PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE, IN ACCORDANCE WITH**
17 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IMMUNE FROM CRIMINAL**
18 **PROSECUTION FOR THE USE OF THE FORCE.**

19 **(3) AN OCCUPANT OF A DWELLING OR PLACE OF BUSINESS USING**
20 **PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE, IN ACCORDANCE WITH**
21 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IMMUNE FROM CIVIL LIABILITY**
22 **FOR INJURIES OR DEATH RESULTING FROM THE USE OF THE FORCE.**

23 **(4) THE PROVISIONS OF THIS SECTION DO NOT APPLY IF THE**
24 **PERSON, WHO IS SOMEONE OTHER THAN THE OCCUPANT, ENTERED THE**
25 **DWELLING OR BUSINESS AND IS:**

26 **(I) A LAW ENFORCEMENT OFFICER, FIREFIGHTER, OR**
27 **EMERGENCY RESPONSE PERSONNEL PERFORMING OFFICIAL DUTIES; OR**

28 **(II) A PERSON WITH EXPRESS PERMISSION TO ENTER THE**
29 **DWELLING OR BUSINESS.**

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
31 October 1, 2010.