

SENATE BILL 411

D3

(0lr2092)

ENROLLED BILL

— Judicial Proceedings/Judiciary —

Introduced by **Senators Middleton, Astle, Brinkley, Colburn, DeGrange, Della, Edwards, Garagiola, Glassman, Jacobs, Kasemeyer, Kittleman, Klausmeier, Mooney, Munson, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Haines, and Simonaire**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this _____ day of _____ at _____ o'clock, _____ M.

President.

CHAPTER _____

1 AN ACT concerning

2 **Defense of Dwelling or Place of Business – Civil Immunity**

3 FOR the purpose of providing that a person is not liable for damages for a personal
4 injury or death of an individual who enters the person's dwelling or place of
5 business under certain circumstances; ~~requiring the~~ authorizing a court to
6 award costs and reasonable attorney's fees to a certain defendant; defining a
7 certain term; providing for the application of this Act; and generally relating to
8 providing certain immunity from civil liability to certain persons under certain
9 circumstances.

10 BY adding to
11 Article – Courts and Judicial Proceedings

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Section 5–808
 2 Annotated Code of Maryland
 3 (2006 Replacement Volume and 2009 Supplement)

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

6 **Article – Courts and Judicial Proceedings**

7 **5–808.**

8 (A) IN THIS SECTION, “PERSON” DOES NOT INCLUDE A GOVERNMENTAL
 9 ENTITY.

10 (B) A PERSON IS NOT LIABLE FOR DAMAGES FOR A PERSONAL INJURY
 11 OR DEATH OF AN INDIVIDUAL WHO ENTERS THE PERSON’S DWELLING OR PLACE
 12 OF BUSINESS IF:

13 (1) THE PERSON REASONABLY BELIEVES THAT FORCE OR
 14 DEADLY FORCE IS NECESSARY TO REPEL AN ATTACK BY THE INDIVIDUAL; AND

15 (2) THE AMOUNT AND NATURE OF THE FORCE USED BY THE
 16 PERSON IS REASONABLE UNDER THE CIRCUMSTANCES.

17 (C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A PERSON
 18 WHO IS CONVICTED OF A CRIME OF VIOLENCE UNDER § 14–101 OF THE
 19 CRIMINAL LAW ARTICLE, ASSAULT IN THE SECOND DEGREE, OR RECKLESS
 20 ENDANGERMENT ARISING OUT OF THE CIRCUMSTANCES DESCRIBED IN
 21 SUBSECTION (B) OF THIS SECTION.

22 ~~(C)~~ (D) THE COURT ~~SHALL~~ MAY AWARD COSTS AND REASONABLE
 23 ATTORNEY’S FEES TO A DEFENDANT WHO PREVAILS IN A DEFENSE UNDER THIS
 24 SECTION.

25 ~~(D)~~ (E) THIS SECTION DOES NOT LIMIT OR ABROGATE ANY IMMUNITY
 26 FROM CIVIL LIABILITY OR DEFENSE AVAILABLE TO A PERSON UNDER ANY
 27 OTHER PROVISION OF THE CODE OR AT COMMON LAW.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
 29 construed to apply only prospectively and may not be applied or interpreted to have
 30 any effect on or application to any case in which the cause of action arises before the
 31 effective date of this Act.

32 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 33 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.