HOUSE BILL 1185

E2 4lr1933

By: **Delegates Parrott, Afzali, Dwyer, Elliott, Glass, Haddaway–Riccio, Hough, Kipke, Krebs, McComas, McConkey, Otto, Ready, Schulz, Szeliga, and Vitale**

Introduced and read first time: February 7, 2014
Assigned to: Judiciary

A BILL ENTITLED

AN ACT concerning

Criminal Law – Crimes Against Property – Right to Defend Property

FOR the purpose of establishing that an occupant of a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when the other person has made an unlawful entry into the dwelling, and when the occupant has a reasonable belief that the other person has committed a crime in the dwelling in addition to the unlawful entry, or is committing or intends to commit a crime against a person or property in addition to the unlawful entry, and when the occupant reasonably believes that the other person might use physical force, no matter how slight, against an occupant; providing that an occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of this Act shall be immune from criminal prosecution for the use of force; providing for a certain exception to the provisions of this Act; and generally relating to the defense of self–defense.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 3–209
Annotated Code of Maryland
(2012 Replacement Volume and 2013 Supplement)

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

Article – Criminal Law

3–209.

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

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

(B) (1) AN OCCUPANT OF A DWELLING IS JUSTIFIED IN USING ANY DEGREE OF PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE, AGAINST ANOTHER PERSON WHEN:

(I) THE OTHER PERSON HAS MADE AN UNLAWFUL ENTRY INTO THE DWELLING; AND

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

1. A. HAS COMMITTED A CRIME IN THE DWELLING IN ADDITION TO THE UNLAWFUL ENTRY; OR

B. IS COMMITTING OR INTENDS TO COMMIT A CRIME AGAINST A PERSON OR PROPERTY IN ADDITION TO THE UNLAWFUL ENTRY; AND

2. MIGHT USE PHYSICAL FORCE, NO MATTER HOW SLIGHT, AGAINST AN OCCUPANT.

(2) AN OCCUPANT OF A DWELLING USING PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE, IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR THE USE OF FORCE.

(3) THE PROVISIONS OF THIS SECTION DO NOT APPLY IF THE PERSON WHO IS NOT THE OCCUPANT IS:

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

(II) A PERSON WITH EXPRESS PERMISSION TO ENTER THE DWELLING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2014.