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By: **Delegates Schade, Baldwin, M. Burns, Ports, and Rzepkowski**  
Introduced and read first time: February 13, 1998  
Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Homicide - Use of Deadly Force in Residence - Defense**

3 FOR the purpose of establishing that a person who uses deadly force or force likely to  
4 cause death within the person's residence is presumed to have held a reasonable  
5 fear of imminent peril of death or serious physical injury to the person or a  
6 member of the person's family or household, if the force is used against another  
7 who unlawfully and forcibly enters or has entered the person's residence;  
8 providing that a person is not civilly liable for any act or omission in protecting  
9 or attempting to protect the person or a member of the person's family or  
10 household; and generally relating to the use of deadly force in a residence.

11 BY adding to  
12 Article 27 - Crimes and Punishments  
13 Section 415A  
14 Annotated Code of Maryland  
15 (1996 Replacement Volume and 1997 Supplement)

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

18 **Article 27 - Crimes and Punishments**

19 415A.

20 (A) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH  
21 WITHIN THE PERSON'S RESIDENCE IS PRESUMED TO HAVE HELD A REASONABLE  
22 FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY TO THE PERSON  
23 OR A MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD, IF THE FORCE IS USED  
24 AGAINST ANOTHER WHO UNLAWFULLY AND FORCIBLY ENTERS OR HAS ENTERED  
25 THE PERSON'S RESIDENCE.

26 (B) A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS NOT  
27 CIVILLY LIABLE FOR ANY ACT OR OMISSION IN PROTECTING OR ATTEMPTING TO  
28 PROTECT THE PERSON OR A MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1998.