
By: **Delegates Amedori, Elliott, Stocksdale, DeCarlo, Brinkley, Zirkin,
O'Donnell, Giannetti, Boschert, Bartlett, K. Kelly, La Vay, Greenip,
Cadden, Leopold, Hutchins, Hubers, Bozman, Kach, Klausmeier, Ports,
Parrott, Getty, Shank, Edwards, Riley, Minnick, D. Murphy,
Rzepkowski, Kittleman, Klima, Redmer, Mitchell, Glassman, Boutin,
Snodgrass, and Donoghue**

Rules suspended
Introduced and read first time: March 20, 2001
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Homicide - Use of Deadly Force in a Business Establishment - Defense**

3 FOR the purpose of establishing that a certain person who uses deadly force or force
4 likely to cause death within the person's business establishment is presumed to
5 have held a reasonable fear of imminent peril of death or serious physical injury
6 to the person or an employee of the person's business establishment, if force is
7 used against another who unlawfully and forcibly enters or has entered the
8 person's business establishment; providing that a person is not civilly liable for
9 any act or omission in protecting or attempting to protect the person or an
10 employee of the person's business establishment; providing that this Act applies
11 to an owner, lessor, or supervisory employee of a business establishment;
12 providing for the application of this Act; and generally relating to the use of
13 deadly force in a business establishment.

14 BY adding to
15 Article 27 - Crimes and Punishments
16 Section 415A
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2000 Supplement)

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

21 **Article 27 - Crimes and Punishments**

22 415A.

23 (A) THIS SECTION APPLIES TO AN OWNER, LESSOR, OR SUPERVISORY
24 EMPLOYEE OF A BUSINESS ESTABLISHMENT.

1 (B) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH
2 WITHIN THE PERSON'S BUSINESS ESTABLISHMENT IS PRESUMED TO HAVE HELD A
3 REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY
4 TO THE PERSON OR AN EMPLOYEE OF THE PERSON'S BUSINESS ESTABLISHMENT, IF
5 THE FORCE IS USED AGAINST ANOTHER WHO UNLAWFULLY AND FORCIBLY ENTERS
6 OR HAS ENTERED THE PERSON'S BUSINESS ESTABLISHMENT.

7 (C) A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS NOT
8 CIVILLY LIABLE FOR ANY ACT OR OMISSION IN PROTECTING OR ATTEMPTING TO
9 PROTECT THE PERSON OR AN EMPLOYEE OF THE PERSON'S BUSINESS
10 ESTABLISHMENT.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
12 construed retroactively and shall be applied to and interpreted to affect any action of
13 an owner, lessor, or supervisory employee of a business establishment occurring on or
14 after January 1, 2001.

15 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2001.