

SENATE BILL 901

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2001 Regular Session  
11r3060  
CF 11r3059

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By: **Senator Haines**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 23, 2001

Assigned to: Rules

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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.

25 (B) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH  
26 WITHIN THE PERSON'S BUSINESS ESTABLISHMENT IS PRESUMED TO HAVE HELD A  
27 REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY

1 TO THE PERSON OR AN EMPLOYEE OF THE PERSON'S BUSINESS ESTABLISHMENT, IF  
2 THE FORCE IS USED AGAINST ANOTHER WHO UNLAWFULLY AND FORCIBLY ENTERS  
3 OR HAS ENTERED THE PERSON'S BUSINESS ESTABLISHMENT.

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

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

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