

Department of Legislative Services
Maryland General Assembly
2001 Session

FISCAL NOTE

Senate Bill 901 (Senator Haines)

Judicial Proceedings

Rules and Executive Nominations

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

This bill provides that a person who uses deadly force within the person's business establishment is presumed to have held a reasonable fear of imminent peril of death or serious physical injury to the person or an employee of the business, if the force is used against another who unlawfully and forcibly enters or has entered the person's business establishment. This presumption is applied to an owner, lessor, or supervisory employee of a business establishment.

The bill further provides that a person using deadly force under the above-described circumstances is not civilly liable for any act or omission in protecting or attempting to protect the person or an employee.

In addition, the bill is required to be construed and applied retroactively to any action occurring on or after January 1, 2001.

Fiscal Summary

State Effect: None. The bill's provisions would not materially affect governmental finances.

Local Effect: None.

Small Business Effect: None.

Analysis

Current Law: Generally, the courts have held that deadly force is not a permissible action in defense of property alone. Maryland case law, however, allows such deadly force to protect oneself and one's family members and household in the event of a residential breaking and entering.

Additional Information

Prior Introductions: HB 1249 of 1998 and HB 652 of 1999 would have established such a defense for the use of deadly force in circumstances involving a residence and members of a household. Each bill received an unfavorable report from the Judiciary Committee.

Cross File: HB 1462 (Delegate Amedori, *et al.*) – Judiciary.

Information Source(s): Department of Legislative Services

Fiscal Note History: First Reader – March 29, 2001
ef/jr

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