
By: **Delegates Amedori, Baldwin, Bartlett, Boschert, Boutin, Brinkley, Cadden, Clagett, C. Davis, DeCarlo, Donoghue, Eckardt, Edwards, Elliott, Fulton, Getty, Glassman, Greenip, Hubers, Hutchins, Kach, Kelly, Kirk, Klausmeier, Klima, La Vay, Leopold, McClenahan, McKee, Minnick, Mohorovic, Murphy, O'Donnell, Owings, Parrott, Pielke, Ports, Redmer, Riley, Rzepkowski, Shank, Snodgrass, Sophocleus, Stocksdale, Stull, Walkup, and Weir**

Introduced and read first time: February 4, 2002
Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of establishing that a certain person who uses deadly force or force
5 likely to cause death in the person's business establishment is presumed to have
6 held a reasonable fear of imminent peril of death or serious physical injury to
7 the person or an employee of the person's business establishment, if force is used
8 against another who enters or has entered the person's business establishment
9 unlawfully and forcibly; providing that a person is not civilly liable for any act
10 arising from the use of deadly force or force likely to cause death in protecting or
11 attempting to protect the person or an employee of the person's business
12 establishment; providing that certain provisions of this Act apply to an owner,
13 lessor, or supervisory employee of a business establishment; establishing that a
14 person who uses deadly force or force likely to cause death in the person's
15 residence is presumed to have held a reasonable fear of imminent peril of death
16 or serious physical injury to the person or a member of the person's family or
17 household, if the force is used against another who enters or has entered the
18 person's residence unlawfully and forcibly; providing that a person is not civilly
19 liable for any act arising from the use of deadly force or force likely to cause
20 death in protecting or attempting to protect the person or a member of the
21 person's family or household; defining a certain term; providing for the
22 application of this Act; and generally relating to the use of deadly force in a
23 business establishment or residence.

24 BY adding to
25 Article - Criminal Law
26 Section 2-2xx and 2-2xx
27 Annotated Code of Maryland
28 (As enacted by Chapter _____ (H.B. 11) of the Acts of the General Assembly of

1 2002)

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

4 **Article - Criminal Law**

5 2-2xx.

6 (A) (1) IN THIS SECTION, "BUSINESS ESTABLISHMENT" MEANS A PLACE IN
7 WHICH:

8 (I) AT LEAST ONE PERSON IS EMPLOYED; AND

9 (II) THE OCCUPANT REGULARLY ENGAGES IN ACTIVITIES RELATED
10 TO COMMERCE, INDUSTRY, OR TRADE.

11 (2) "BUSINESS ESTABLISHMENT" INCLUDES A BUILDING OR STRUCTURE
12 USED IN CONNECTION WITH THE ACTIVITIES DESCRIBED IN PARAGRAPH (1)(II) OF
13 THIS SUBSECTION.

14 (B) THIS SECTION APPLIES TO AN OWNER, LESSOR, OR SUPERVISORY
15 EMPLOYEE OF A BUSINESS ESTABLISHMENT.

16 (C) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH
17 IN THE PERSON'S BUSINESS ESTABLISHMENT IS PRESUMED TO HAVE HELD A
18 REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY
19 TO THE PERSON OR AN EMPLOYEE OF THE PERSON'S BUSINESS ESTABLISHMENT, IF
20 THE FORCE IS USED AGAINST ANOTHER WHO ENTERS OR HAS ENTERED THE
21 PERSON'S BUSINESS ESTABLISHMENT UNLAWFULLY AND FORCIBLY.

22 (D) A PERSON DESCRIBED IN SUBSECTION (B) OF THIS SECTION IS NOT
23 CIVILLY LIABLE FOR ANY ACT ARISING FROM THE USE OF DEADLY FORCE OR FORCE
24 LIKELY TO CAUSE DEATH IN PROTECTING OR ATTEMPTING TO PROTECT THE PERSON
25 OR AN EMPLOYEE OF THE PERSON'S BUSINESS ESTABLISHMENT.

26 2-2XX.

27 (A) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH
28 IN THE PERSON'S RESIDENCE IS PRESUMED TO HAVE HELD A REASONABLE FEAR OF
29 IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY TO THE PERSON OR A
30 MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD, IF THE FORCE IS USED AGAINST
31 ANOTHER WHO ENTERS OR HAS ENTERED THE PERSON'S RESIDENCE UNLAWFULLY
32 AND FORCIBLY.

33 (B) A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS NOT
34 CIVILLY LIABLE FOR ANY ACT ARISING FROM THE USE OF DEADLY FORCE OR FORCE
35 LIKELY TO CAUSE DEATH IN PROTECTING OR ATTEMPTING TO PROTECT THE PERSON
36 OR A MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
2 construed retroactively and shall be applied to and interpreted to affect any use of
3 deadly force or force likely to cause death by a person within the person's business
4 establishment or residence, occurring on or after January 1, 2001.

5 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2002.