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By: **Senator Haines**

Introduced and read first time: February 1, 2002

Assigned to: Judicial Proceedings

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

15 BY adding to

16 Article - Criminal Law

17 Section 2-210

18 Annotated Code of Maryland

19 (As enacted by Chapter \_\_\_\_ (H.B. 11) of the Acts of the General Assembly of  
20 2002)

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

23 **Article - Criminal Law**

24 2-210.

25 (A) (1) IN THIS SECTION, "BUSINESS ESTABLISHMENT" MEANS A PLACE IN  
26 WHICH:

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

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

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

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

8 (C) A PERSON WHO USES DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH  
9 IN THE PERSON'S BUSINESS ESTABLISHMENT IS PRESUMED TO HAVE HELD A  
10 REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR SERIOUS PHYSICAL INJURY  
11 TO THE PERSON OR AN EMPLOYEE OF THE PERSON'S BUSINESS ESTABLISHMENT, IF  
12 THE FORCE IS USED AGAINST ANOTHER WHO ENTERS OR HAS ENTERED THE  
13 PERSON'S BUSINESS ESTABLISHMENT UNLAWFULLY AND FORCIBLY.

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

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

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