

SENATE BILL 742

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SB 901/01 - JPR

2002 Regular Session
2lr2639

By: **Senator Haines**
Introduced and read first time: February 1, 2002
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 20, 2002

CHAPTER _____

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

1

Article - Criminal Law

2 2-210.

3 (A) (1) IN THIS SECTION, "BUSINESS ESTABLISHMENT" MEANS A PLACE IN
4 WHICH:

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

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

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

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

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

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

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

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