

Department of Legislative Services
Maryland General Assembly
2002 Session

FISCAL NOTE

House Bill 606 (Delegate Amedori, *et al.*)
Judiciary

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

This bill creates a statutory presumption that a person who uses deadly force (or “force likely to cause death”) holds a reasonable fear of imminent peril of death or serious physical injury to the person or specified others if the force is used against another who unlawfully and forcibly enters or has entered the person’s business establishment or residence. In a business establishment, this includes a fear of harm to the person’s employee. In a residence, it includes a fear of harm to the person’s family or household members. A person using deadly force under one of the above-described circumstances is not civilly liable for any act arising from such use of deadly force to protect the person or the specified others.

The bill is to be applied retroactively to any action occurring on or after January 1, 2001.

Fiscal Summary

State Effect: This bill is procedural in nature and is not expected to materially affect governmental finances.

Local Effect: None -- see above.

Small Business Effect: Minimal.

Analysis

Current Law: Under Maryland law, use of deadly force is permissible only when reasonably necessary to protect oneself from imminent threat of death or serious injury, even in resistance of a robbery, burglary, or other assault or felony. *Sydnor v. State*, 365 Md. 205 (2001), *certiorari denied*, 2002 U.S. Lexis 389 (2002). A person has a duty, if safely possible: (1) to avoid danger; and (2) except for within one's own home, to retreat. *Id.* Use of deadly force traditionally has not been permissible in defense of property alone.

Additional Comments: SB 742 of 2002 is similar to this bill.

Additional Information

Prior Introductions: Similar bills were introduced in the 2001 session as SB 901 and its cross-file HB 1462. SB 901 passed the Senate with amendments but was not reported out of the House Rules and Executive Nominations Committee. HB 1462 was referred to the Judiciary Committee but no further action was taken.

Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - February 27, 2002
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