
By: **Senators Dyson, Astle, DeGrange, Jimeno, and Klausmeier**

Introduced and read first time: February 3, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Homicide - Use of Deadly Force in a Residence - 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 residence is presumed for the purpose of
5 civil liability to have held a reasonable fear of imminent peril of death or serious
6 physical injury to a certain person, if force is used against another who enters or
7 has entered the person's residence unlawfully and forcibly; providing that a
8 person is not civilly liable for any act arising from the use of deadly force or force
9 likely to cause death in protecting or attempting to protect a certain person;
10 providing for the application of this Act; and generally relating to the use of
11 deadly force in a residence.

12 BY adding to

13 Article - Criminal Law

14 Section 2-210

15 Annotated Code of Maryland

16 (2002 Volume and 2005 Supplement)

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

19 **Article - Criminal Law**

20 2-210.

21 (A) SOLELY FOR THE PURPOSE OF CIVIL LIABILITY, A PERSON WHO USES
22 DEADLY FORCE OR FORCE LIKELY TO CAUSE DEATH IN THE PERSON'S RESIDENCE IS
23 PRESUMED TO HAVE HELD A REASONABLE FEAR OF IMMINENT PERIL OF DEATH OR
24 SERIOUS PHYSICAL INJURY TO THE PERSON OR A MEMBER OF THE PERSON'S FAMILY
25 OR HOUSEHOLD, IF THE FORCE IS USED AGAINST ANOTHER WHO ENTERS OR HAS
26 ENTERED THE PERSON'S RESIDENCE UNLAWFULLY AND FORCIBLY.

27 (B) A PERSON DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS NOT
28 CIVILLY LIABLE FOR ANY ACT OR OMISSION ARISING FROM THE USE OF DEADLY

1 FORCE OR FORCE LIKELY TO CAUSE DEATH IN PROTECTING OR ATTEMPTING TO
2 PROTECT THE PERSON OR A MEMBER OF THE PERSON'S FAMILY OR HOUSEHOLD.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
4 construed to apply only prospectively and may not be applied or interpreted to have
5 any effect on or application to any event or circumstances covered by this Act
6 occurring before the effective date of this Act.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2006.