

# HOUSE BILL 1071

E2

8lr1979

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By: **Delegate Conaway**

Introduced and read first time: February 7, 2008

Assigned to: Judiciary

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## A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law - Self-Defense - Immunity for Use of Physical Force in Defense**  
3 **of Dwelling**

4 FOR the purpose of establishing that an occupant of a dwelling is justified in using  
5 any degree of physical force, including deadly physical force, against another  
6 person when that other person has made an unlawful entry into the dwelling,  
7 and when the occupant has a reasonable belief that the other person has  
8 committed a crime in the dwelling in addition to the unlawful entry, or is  
9 committing or intends to commit a crime against a person or property in  
10 addition to the unlawful entry, and when the occupant reasonably believes that  
11 the other person might use physical force, no matter how slight, against an  
12 occupant; providing that an occupant of a dwelling using physical force,  
13 including deadly physical force, in accordance with the provisions this Act shall  
14 be immune from criminal prosecution and civil liability for the use of the force;  
15 and generally relating to the defense of self-defense.

16 BY repealing and reenacting, with amendments,  
17 Article - Criminal Law  
18 Section 3-209  
19 Annotated Code of Maryland  
20 (2002 Volume and 2007 Supplement)

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 3-209.

25 (A) A person charged with a crime under § 3-202, § 3-203, § 3-204, or §  
26 3-205 of this subtitle may assert any judicially recognized defense.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(B) (1) AN OCCUPANT OF A DWELLING IS JUSTIFIED IN USING ANY**  
2 **DEGREE OF PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE, AGAINST**  
3 **ANOTHER PERSON WHEN:**

4                   **(I) THE OTHER PERSON HAS MADE AN UNLAWFUL ENTRY**  
5 **INTO THE DWELLING; AND**

6                   **(II) THE OCCUPANT HAS A REASONABLE BELIEF THAT THE**  
7 **OTHER PERSON:**

8                           **1. A. HAS COMMITTED A CRIME IN THE DWELLING**  
9 **IN ADDITION TO THE UNLAWFUL ENTRY; OR**

10                           **B. IS COMMITTING OR INTENDS TO COMMIT A CRIME**  
11 **AGAINST A PERSON OR PROPERTY IN ADDITION TO THE UNLAWFUL ENTRY; AND**

12                           **2. MIGHT USE PHYSICAL FORCE, NO MATTER HOW**  
13 **SLIGHT, AGAINST AN OCCUPANT.**

14           **(2) AN OCCUPANT OF A DWELLING USING PHYSICAL FORCE,**  
15 **INCLUDING DEADLY PHYSICAL FORCE, IN ACCORDANCE WITH THE PROVISIONS**  
16 **OF PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IMMUNE FROM CRIMINAL**  
17 **PROSECUTION FOR THE USE OF THE FORCE.**

18           **(3) AN OCCUPANT OF A DWELLING USING PHYSICAL FORCE,**  
19 **INCLUDING DEADLY PHYSICAL FORCE, IN ACCORDANCE WITH THE PROVISIONS**  
20 **OF PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IMMUNE FROM CIVIL**  
21 **LIABILITY FOR INJURIES OR DEATH RESULTING FROM THE USE OF THE FORCE.**

22           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2008.