

HOUSE BILL 985

E2
HB 1075/08 – JUD

9lr2640

By: **Delegates Conaway, Anderson, Boteler, and Kelly**

Introduced and read first time: February 13, 2009

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

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

4 FOR the purpose of establishing that an occupant of a dwelling or place of business is
5 justified in using any degree of physical force, including deadly physical force,
6 against another person when that other person has made an unlawful entry into
7 the dwelling or place of business and the occupant has certain reasonable beliefs
8 concerning the other person; providing that an occupant of a dwelling or place of
9 business using physical force, including deadly physical force, in accordance
10 with this Act shall be immune from criminal prosecution and civil liability for
11 the use of the force; and generally relating to the defense of self–defense.

12 BY repealing and reenacting, with amendments,
13 Article – Criminal Law
14 Section 3–209
15 Annotated Code of Maryland
16 (2002 Volume and 2008 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 3–209.

21 (A) A person charged with a crime under § 3–202, § 3–203, § 3–204, or §
22 3–205 of this subtitle may assert any judicially recognized defense.

23 (B) (1) **AN OCCUPANT OF A DWELLING OR A PLACE OF BUSINESS IS**
24 **JUSTIFIED IN USING ANY DEGREE OF PHYSICAL FORCE, INCLUDING DEADLY**
25 **PHYSICAL FORCE, AGAINST ANOTHER PERSON WHEN:**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(I) THE OTHER PERSON HAS MADE AN UNLAWFUL ENTRY**
2 **INTO THE DWELLING OR PLACE OF BUSINESS; AND**

3 **(II) THE OCCUPANT HAS A REASONABLE BELIEF THAT THE**
4 **OTHER PERSON:**

5 **1. A. HAS COMMITTED A CRIME IN THE DWELLING**
6 **OR PLACE OF BUSINESS IN ADDITION TO THE UNINVITED ENTRY; OR**

7 **B. IS COMMITTING OR INTENDS TO COMMIT A CRIME**
8 **AGAINST A PERSON OR PROPERTY IN ADDITION TO THE UNINVITED ENTRY; AND**

9 **2. MIGHT USE PHYSICAL FORCE, NO MATTER HOW**
10 **SLIGHT, AGAINST AN OCCUPANT OF THE DWELLING OR PLACE OF BUSINESS.**

11 **(2) AN OCCUPANT OF A DWELLING OR PLACE OF BUSINESS USING**
12 **PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE, IN ACCORDANCE WITH**
13 **PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IMMUNE FROM CRIMINAL**
14 **PROSECUTION FOR THE USE OF THE FORCE.**

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

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2009.