

SENATE BILL 411

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SB 420/09 – JPR

0lr2092

By: **Senators Middleton, Astle, Brinkley, Colburn, DeGrange, Della, Edwards, Garagiola, Glassman, Jacobs, Kasemeyer, Kittleman, Klausmeier, Mooney, Munson, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Haines, and Simonaire**

Introduced and read first time: January 29, 2010
Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments
Senate action: Adopted
Read second time: March 26, 2010

CHAPTER _____

1 AN ACT concerning

2 **Defense of Dwelling or Place of Business – Civil Immunity**

3 FOR the purpose of providing that a person is not liable for damages for a personal
4 injury or death of an individual who enters the person's dwelling or place of
5 business under certain circumstances; requiring the court to award costs and
6 reasonable attorney's fees to a certain defendant; defining a certain term;
7 providing for the application of this Act; and generally relating to providing
8 certain immunity from civil liability to certain persons under certain
9 circumstances.

10 BY adding to

11 Article – Courts and Judicial Proceedings
12 Section 5–808
13 Annotated Code of Maryland
14 (2006 Replacement Volume and 2009 Supplement)

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

17 **Article – Courts and Judicial Proceedings**

18 **5–808.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **(A) IN THIS SECTION, "PERSON" DOES NOT INCLUDE A GOVERNMENTAL**
2 **ENTITY.**

3 **(B) A PERSON IS NOT LIABLE FOR DAMAGES FOR A PERSONAL INJURY**
4 **OR DEATH OF AN INDIVIDUAL WHO ENTERS THE PERSON'S DWELLING OR PLACE**
5 **OF BUSINESS IF:**

6 **(1) THE PERSON REASONABLY BELIEVES THAT FORCE OR**
7 **DEADLY FORCE IS NECESSARY TO REPEL AN ATTACK BY THE INDIVIDUAL; AND**

8 **(2) THE AMOUNT AND NATURE OF THE FORCE USED BY THE**
9 **PERSON IS REASONABLE UNDER THE CIRCUMSTANCES.**

10 **(C) THE COURT SHALL AWARD COSTS AND REASONABLE ATTORNEY'S**
11 **FEES TO A DEFENDANT WHO PREVAILS IN A DEFENSE UNDER THIS SECTION.**

12 **(D) THIS SECTION DOES NOT LIMIT OR ABROGATE ANY IMMUNITY FROM**
13 **CIVIL LIABILITY OR DEFENSE AVAILABLE TO A PERSON UNDER ANY OTHER**
14 **PROVISION OF THE CODE OR AT COMMON LAW.**

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be
16 construed to apply only prospectively and may not be applied or interpreted to have
17 any effect on or application to any case in which the cause of action arises before the
18 effective date of this Act.

19 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.