

## Chapter 555

(Senate Bill 411)

AN ACT concerning

### Defense of Dwelling or Place of Business – Civil Immunity

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

BY adding to

Article – Courts and Judicial Proceedings

Section 5–808

Annotated Code of Maryland

(2006 Replacement Volume and 2009 Supplement)

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

### Article – Courts and Judicial Proceedings

#### 5–808.

(A) IN THIS SECTION, “PERSON” DOES NOT INCLUDE A GOVERNMENTAL ENTITY.

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

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

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

(C) SUBSECTION (B) OF THIS SECTION DOES NOT APPLY TO A PERSON WHO IS CONVICTED OF A CRIME OF VIOLENCE UNDER § 14–101 OF THE

**CRIMINAL LAW ARTICLE, ASSAULT IN THE SECOND DEGREE, OR RECKLESS ENDANGERMENT ARISING OUT OF THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (B) OF THIS SECTION.**

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

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

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

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

**Approved by the Governor, May 20, 2010.**