

HOUSE BILL 1497

E2
HB 922/10 – ECM

5lr3485

By: **Delegate Conaway**
Introduced and read first time: February 12, 2025
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes Against Property – Right to Defend Property**

3 FOR the purpose of establishing that an occupant of a dwelling or place of business is
4 justified in using any degree of physical force, under certain circumstances, and is
5 immune from criminal prosecution and civil liability for the use of the force;
6 providing certain exceptions to the provisions of this Act; and generally relating to
7 the defense of self–defense.

8 BY repealing and reenacting, with amendments,
9 Article – Criminal Law
10 Section 3–209
11 Annotated Code of Maryland
12 (2021 Replacement Volume and 2024 Supplement)

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

15 **Article – Criminal Law**

16 3–209.

17 (a) Subject to subsection [(b)] (C) of this section, a person charged with a crime
18 under § 3–202, § 3–203, § 3–204, or § 3–205 of this subtitle may assert any judicially
19 recognized defense.

20 **(B) (1) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, AN OCCUPANT**
21 **OF A DWELLING OR PLACE OF BUSINESS IS JUSTIFIED IN USING ANY DEGREE OF**
22 **PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE, AGAINST ANOTHER**
23 **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 INTO**
2 **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 OR**
6 **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 FOR**
18 **INJURIES OR DEATH RESULTING FROM THE USE OF THE FORCE.**

19 **(4) THE PROVISIONS OF THIS SECTION DO NOT APPLY IF THE PERSON,**
20 **WHO IS SOMEONE OTHER THAN THE OCCUPANT, ENTERED THE DWELLING OR**
21 **BUSINESS AND IS:**

22 **(I) A LAW ENFORCEMENT OFFICER, FIREFIGHTER, OR**
23 **EMERGENCY RESPONSE PERSONNEL PERFORMING OFFICIAL DUTIES; OR**

24 **(II) A PERSON WITH EXPRESS PERMISSION TO ENTER THE**
25 **DWELLING OR BUSINESS.**

26 **[(b)] (C) The discovery or perception of, or belief about, another person's race,**
27 **color, national origin, sex, gender identity, sexual orientation, religious beliefs, or disability,**
28 **whether or not accurate, is not a defense to the crime of assault in any degree.**

29 **SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect**
30 **October 1, 2025.**