

HOUSE BILL 1185

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By: **Delegates Parrott, Afzali, Dwyer, Elliott, Glass, Haddaway–Riccio, Hough, Kipke, Krebs, McComas, McConkey, Otto, Ready, Schulz, Szeliga, and Vitale**

Introduced and read first time: February 7, 2014

Assigned to: Judiciary

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 is justified in using
4 any degree of physical force, including deadly physical force, against another
5 person when the other person has made an unlawful entry into the dwelling,
6 and when the occupant has a reasonable belief that the other person has
7 committed a crime in the dwelling in addition to the unlawful entry, or is
8 committing or intends to commit a crime against a person or property in
9 addition to the unlawful entry, and when the occupant reasonably believes that
10 the other person might use physical force, no matter how slight, against an
11 occupant; providing that an occupant of a dwelling using physical force,
12 including deadly physical force, in accordance with the provisions of this Act
13 shall be immune from criminal prosecution for the use of force; providing for a
14 certain exception to the provisions of this Act; and generally relating to the
15 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 (2012 Replacement Volume and 2013 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.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(A)** A person charged with a crime under § 3–202, § 3–203, § 3–204, or §
2 3–205 of this subtitle may assert any judicially recognized defense.

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

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

8 **(II) THE OCCUPANT HAS A REASONABLE BELIEF THAT THE**
9 **OTHER PERSON:**

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

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

14 **2. MIGHT USE PHYSICAL FORCE, NO MATTER HOW**
15 **SLIGHT, AGAINST AN OCCUPANT.**

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

20 **(3) THE PROVISIONS OF THIS SECTION DO NOT APPLY IF THE**
21 **PERSON WHO IS NOT THE OCCUPANT 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.**

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2014.