

HOUSE BILL 608

E2
HB 1185/14 – JUD

7lr1350

By: **Delegates Parrott, Hornberger, Kittleman, Krebs, and Morgan**
Introduced and read first time: January 30, 2017
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 any
4 degree of physical force, including deadly physical force, against another person if
5 the other person has made an unlawful entry into the dwelling, and if the occupant
6 has a reasonable belief that the other person has committed a crime in the dwelling
7 in addition to the unlawful entry, or is committing or intends to commit a crime
8 against a person or property in addition to the unlawful entry, and if the occupant
9 reasonably believes that the other person might use physical force, no matter how
10 slight, against an occupant; providing that an occupant of a dwelling who uses
11 physical force, including deadly physical force, in accordance with the provisions of
12 this Act shall be immune from criminal prosecution for the use of force; providing for
13 a certain exception to the provisions of this Act; and generally relating to the defense
14 of self-defense.

15 BY repealing and reenacting, with amendments,
16 Article – Criminal Law
17 Section 3–209
18 Annotated Code of Maryland
19 (2012 Replacement Volume and 2016 Supplement)

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

22 **Article – Criminal Law**

23 3–209.

24 **(A)** A person charged with a crime under § 3–202, § 3–203, § 3–204, or
25 § 3–205 of this subtitle may assert any judicially recognized defense.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



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

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

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

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

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

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

(2) AN OCCUPANT OF A DWELLING WHO USES PHYSICAL FORCE, INCLUDING DEADLY PHYSICAL FORCE, IN ACCORDANCE WITH THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION SHALL BE IMMUNE FROM CRIMINAL PROSECUTION FOR THE USE OF FORCE.

(3) THE PROVISIONS OF THIS SECTION DO NOT APPLY IF THE PERSON WHO IS NOT THE OCCUPANT IS:

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

(II) A PERSON WITH EXPRESS PERMISSION TO ENTER THE DWELLING.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2017.