

HOUSE BILL 1214

E2
HB 1309/18 – JUD

9lr2333

By: **Delegates Grammer, Adams, Arikan, Beitzel, Boteler, Buckel, Cassilly, Chisholm, Ciliberti, Clark, Corderman, M. Fisher, Ghrist, Hartman, Hornberger, Howard, Impallaria, Jacobs, Kipke, Kittleman, Krebs, Long, Malone, Mangione, Mautz, McComas, McKay, Metzgar, Miller, Morgan, Parrott, Reilly, Rose, Saab, Shoemaker, and Wivell**

Introduced and read first time: February 8, 2019

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes Against Property – Right to Defend Property**
3 **(Stand Your Ground Act)**

4 FOR the purpose of establishing that an occupant of a dwelling is justified in using any
5 degree of physical force, including deadly physical force, against another person if
6 the other person has made an unlawful entry into the dwelling, and if the occupant
7 has a reasonable belief that the other person has committed a crime in the dwelling
8 in addition to the unlawful entry, or is committing or intends to commit a crime
9 against a person or property in addition to the unlawful entry, and if the occupant
10 reasonably believes that the other person will use physical force, no matter how
11 slight, against an occupant; providing that an occupant of a dwelling who uses
12 physical force, including deadly physical force, in accordance with the provisions of
13 this Act is 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 defense
15 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 2018 Supplement)

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

23 **Article – Criminal Law**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 3-209.

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

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

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

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

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

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

15 2. WILL USE PHYSICAL FORCE, NO MATTER HOW SLIGHT,
16 AGAINST AN OCCUPANT.

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

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

23 (I) A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, OR AN
24 EMERGENCY RESPONDER PERFORMING OFFICIAL DUTIES; OR

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

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2019.