

SENATE BILL 509

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0lr2857

By: **Senators Bailey, Carozza, Cassilly, Eckardt, Edwards, Gallion, Hershey, Hough, Jennings, Ready, Salling, Serafini, and Simonaire**

Introduced and read first time: January 29, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Criminal Law – Crimes Against Property – Right to Defend Property**
3 **(Castle Doctrine)**

4 FOR the purpose of establishing that an occupant of a dwelling is justified in using physical
5 force, including deadly physical force, against another person if the other person has
6 made an unlawful entry into the dwelling, the occupant reasonably believes that
7 force or deadly force is necessary to repel an attack by the other person, and the
8 amount and nature of the force used by the occupant are reasonable under the
9 circumstances; providing that an occupant of a dwelling who uses physical force,
10 including deadly physical force, in accordance with the provisions of this Act shall be
11 immune from criminal prosecution for the use of force; providing for a certain
12 exception to the provisions of this Act; and generally relating to the defense of
13 self-defense.

14 BY repealing and reenacting, with amendments,
15 Article – Criminal Law
16 Section 3–209
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2019 Supplement)

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

21 **Article – Criminal Law**

22 3–209.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **(I) THE OTHER PERSON HAS MADE AN UNLAWFUL ENTRY INTO**
4 **THE DWELLING;**

5 **(II) THE OCCUPANT REASONABLY BELIEVES, IN FEAR FOR**
6 **THEIR LIFE, THAT FORCE OR DEADLY FORCE IS NECESSARY TO REPEL AN ATTACK**
7 **BY THE OTHER PERSON; AND**

8 **(III) THE AMOUNT AND NATURE OF THE FORCE USED BY THE**
9 **OCCUPANT ARE REASONABLE UNDER THE CIRCUMSTANCES.**

10 **(2) AN OCCUPANT OF A DWELLING WHO USES PHYSICAL FORCE,**
11 **INCLUDING DEADLY PHYSICAL FORCE, IN ACCORDANCE WITH THE PROVISIONS OF**
12 **PARAGRAPH (1) OF THIS SUBSECTION IS IMMUNE FROM CRIMINAL PROSECUTION**
13 **FOR THE USE OF FORCE.**

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

16 **(I) A LAW ENFORCEMENT OFFICER, A FIREFIGHTER, OR AN**
17 **EMERGENCY RESPONDER PERFORMING OFFICIAL DUTIES; OR**

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2020.