

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 945

Short Title: Use of Deadly Force Against Intruder.

(Public)

Sponsors: Senators Kincaid; and Forrester.

Referred to: Judiciary I.

April 22, 1993

A BILL TO BE ENTITLED

AN ACT PERMITTING THE USE OF DEADLY FORCE AGAINST AN INTRUDER
UNDER CERTAIN CIRCUMSTANCES.

The General Assembly of North Carolina enacts:

Section 1. Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-51.1. Use of deadly physical force against an intruder.

(a) The General Assembly recognizes that the citizens of North Carolina have a right to expect absolute safety within their own homes.

(b) Notwithstanding any other provision of law, any occupant of a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when that other person has made an unlawful entry into the dwelling, but not any house within the curtilage of a dwelling house or in any building not a dwelling house, and when the occupant has reasonable belief that the other person has committed a crime in the dwelling in addition to the uninvited entry, or is committing or intends to commit a crime against a person or property in addition to the uninvited entry, and when the occupant reasonably believes that the other person might use any physical force, no matter how slight, against any occupant.

(c) Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (b) of this section shall be immune from criminal prosecution for the use of the force.

(d) Any occupant of a dwelling using physical force, including deadly physical force, in accordance with the provisions of subsection (b) of this section shall be immune from civil liability for injuries or death resulting from the use of the force."

1 Sec. 2. This act becomes effective December 1, 1993.