

2021 -- H 5992

LC001935

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2021

A N A C T

RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING

Introduced By: Representatives Chippendale, Quattrocchi, Cardillo, C Lima, and Corvese

Date Introduced: February 26, 2021

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-8-8 of the General Laws in Chapter 11-8 entitled "Burglary and
2 Breaking and Entering" is hereby amended to read as follows:

3 **11-8-8. Injury or death -- Defense.**

4 (a) In the event that any person shall die or shall sustain a personal injury in any way or for
5 any cause while in the commission of any criminal offense enumerated in §§ 11-8-2 -- 11-8-6, or
6 11-39-2, it shall be rebuttably presumed as a matter of law in any civil or criminal proceeding that
7 the owner, tenant, or occupier of the place where the offense was committed acted by reasonable
8 means in self-defense and in the reasonable belief that the person engaged in the criminal offense
9 was about to inflict great bodily harm or death upon that person or any other individual lawfully in
10 the place where the criminal offense was committed. There shall be no duty on the part of an owner,
11 tenant, or occupier to retreat from any person engaged in the commission of any criminal offense
12 enumerated in §§ 11-8-2 -- 11-8-6, or 11-39-2.

13 (b) In the event that any person shall die or shall sustain a personal injury in any way or for
14 any cause while in the commission of any violent criminal offense against a person if that person
15 is lawfully in a place they have a right to be, it shall be rebuttably presumed as a matter of law in
16 any civil or criminal proceeding that the owner, tenant, or occupier of the place where the violent
17 offense was committed acted by reasonable means in self-defense and in the reasonable belief that
18 the person engaged in the criminal offense was about to inflict great bodily harm or death upon that
19 person or any other individual lawfully in the place where the criminal offense was committed.

1 There shall be no duty on the part of an owner, tenant, or occupier to retreat from any person
2 engaged in the commission of any violent criminal offense if that person is lawfully in a place they
3 have a right to be.

4 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would provide a rebuttable defense if any person shall die or sustain a personal
2 injury while committing any violent criminal offense of a person if that individual is lawfully in a
3 place they have a right to be, and acted in self-defense and in the reasonable belief that the person
4 engaged in the criminal offense was about to inflict great bodily harm or death upon that person or
5 any other individual.

6 This act would take effect upon passage.

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