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H.285

Introduced by Representatives Donaghy of Poultney, Brennan of Colchester,
Canfield of Fair Haven, Lewis of Derby, McNeil of Rutland
Town, Reis of St. Johnsbury, Shaw of Pittsford and Wright of
Burlington

Referred to Committee on

Date:

Subject: Crimes; general provisions; use of force in defense of a dwelling
place

Statement of purpose: This bill proposes to allow a person to use force,
including deadly force, to defend his or her home from an intruder without
imposing a duty to retreat. The bill establishes a presumption that an intruder
who forcibly enters into a person's home is there to cause death or serious
bodily injury.

An act relating to using force in defense of a dwelling place

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 13 V.S.A. § 15 is added to read:

§ 15. USE OF FORCE IN DEFENSE OF A DWELLING PLACE

(a) As used in this section, "serious bodily injury" shall have the same
meaning as in subdivision 1021(2) of this title.

1 (b) A person in possession or control of a dwelling place or a person who is
2 licensed or privileged to be there is justified in using force, including deadly
3 force, upon another person:

4 (1) when the person in possession or control of a dwelling place
5 reasonably believes that the other person has forcibly entered or is attempting
6 to forcibly enter the person's dwelling place or has surreptitiously remained
7 within the dwelling place without a license or privilege to do so with the intent
8 to cause serious bodily injury or death; or

9 (2) under the circumstances described in section 2305 of this title.

10 (c) A person who has forcibly entered or is attempting to forcibly enter
11 another person's dwelling place without a license or privilege to do so shall be
12 presumed to be doing so with the intent to cause serious bodily injury or death
13 to another person.

14 (d) A person who is justified in using force to protect his or her dwelling
15 place pursuant to subsection (a) of this section shall not be criminally or civilly
16 liable for the use of force.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2011.