

HB 1185

Castle Doctrine

*Criminal Law – Crimes Against Property –
Right to Defend Property*

Sponsored by Delegate Neil Parrott

Judiciary Committee

March 11, 2014

Why is This Bill Necessary?

- Law-abiding Marylanders should be fully protected under the law should the worst happen, **should an intruder enter their home unlawfully with the intent to do harm to them or their family.**
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What This Bill Does

- This bill legally protects those who use force, including lethal force, to defend against clearly unlawful home intruders.

A photograph of a person's hands and forearms, wearing blue denim jeans and metal handcuffs. The hands are held out in front of the person, palms facing down. The background is dark. The image is used as a background for a text overlay.

Why We Need This Bill

HB 1185 would **expand** the Castle Doctrine in Maryland to include not only **civil liability**, but **criminal liability** as well.

Under Current Maryland Law Now

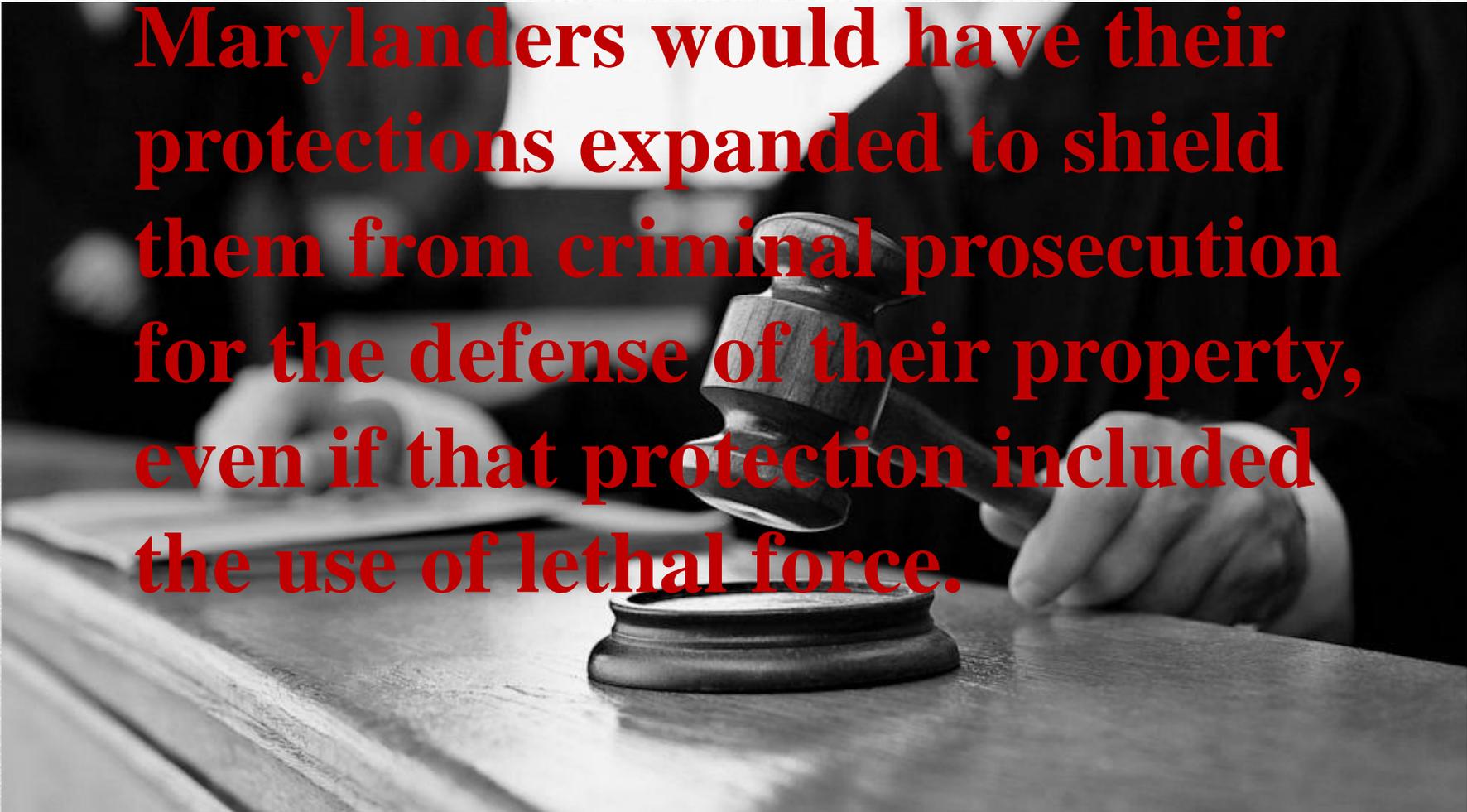
Article - Courts and Judicial Proceedings

§5–808.

- (b) A person is **not liable for damages** for a personal injury or death of an individual who enters the person's dwelling or place of business if:
 - (1) The person reasonably believes that force or deadly force is necessary to repel an attack by the individual; and
 - (2) The amount and nature of the force used by the person is reasonable under the circumstances.
 - (c) Subsection (b) of this section does not apply to a person who is convicted of a crime of violence under § 14–101 of the Criminal Law Article, assault in the second degree, or reckless endangerment arising out of the circumstances described in subsection (b) of this section.
 - (d) The court may award costs and reasonable attorney's fees to a defendant who prevails in a defense under this section.
 - (e) **This section does not limit or abrogate any immunity from civil liability or defense available to a person under any other provision of the Code or at common law.**
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What Would Change Under HB 1185

Marylanders would have their protections expanded to shield them from criminal prosecution for the defense of their property, even if that protection included the use of lethal force.

A black and white photograph of a judge's hand holding a wooden gavel over a stack of books on a courtroom bench. The gavel is positioned as if about to strike the books. The background is blurred, showing other people in a courtroom setting.

Examples of Americans Being Tried for Defending Themselves

“New York Man Charged With Manslaughter After Shooting Armed Home Invaders” – Weasel Zippers

“Long Island Man Faces Manslaughter Charges Killing Home Invader” – BearingArms.com

“Armed Home Invader Dead, Family Safe, Homeowner Charged With Manslaughter . . . Only in New York” – YouViewed.com

“Overturned Murder Conviction Will Stand for Arizona Man Who Used a Firearm in Self-Defense” -- NRA-ILA

Case in Glen Burnie, MD

- Matthew Pinkerton, Technical Sergeant in the U.S. Air Force, shot and killed a home intruder by the name of Kendall Green, just before 2 a.m. on September 15, 2013 in the town of Glen Burnie, MD.
- Upon opening the door, Green identified himself and demanded to see Pinkerton's wife, Jessica. Pinkerton advised Green to leave and that he had no business being there.
- After shutting the door to diffuse the situation, Green broke the door in and charged in.
- After being warned to leave, Green was shot once as "he was motioning to his waist band flipping his shirt" and he was shot again when he continued to advance.



Case in Glen Burnie, MD

Michael Pinkerton's (Brother) Description of Events:

“The night in question Matt feared for his safety. After closing the door on the gentleman, he [Mr. Green] chose to barge thru and enter the house. Matt told him several times to get out but he insisted to charge forward. Thus resulting in him getting shot.”

Case in Huntingtown, MD

- West Helen Taylor III, 63, a retired Metropolitan Police Department lieutenant, shot and killed a home intruder by the name of Kevin Wayne Chapman, 38, on March 31, 2013.
 - Taylor and his wife heard “a series of loud bangs at their front door” – so he retrieved his Walther .380 handgun.
 - Two people dressed in dark jackets with hoods and masks that covered their faces were standing on the porch.
 - One person raised a baseball bat at him while another shouted, “All right mother-[expletive]!” Both people walked toward Taylor, causing him to step back into his hallway.
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Case in Huntingtown, MD

- Fearing for his life and that of his wife inside the home, Mr. Taylor pulled his handgun to the front of him and fired, striking the intruder, Chapman, and continued firing at the other intruder in his car, believing that the driver was going to strike him with the car.
 - **Mr. Taylor would be dead today had he not defended his home and his person with a firearm.**
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Case in Huntingtown, MD

- The State's Attorney's Office **took four months** before they **decided** not to prosecute Taylor.
 - Had the case occurred in a different Maryland County or with a different State's Attorney, **Mr. Taylor could be out on bail right now awaiting a hearing like the Pinkerton's.**
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Precedent for Castle Doctrine

A person wearing a dark balaclava and a dark jacket is using a wooden-handled crowbar to pry open a door handle. The person is wearing black gloves. The background is a blurred outdoor setting with green foliage.

“Florida was the first to pass this type of legislation, but many of the **20-plus** states that now also have it, passed theirs quickly after Florida did.” – NBC News

“Florida Had First Stand Your Ground Law, Other States Followed in ‘Rapid Succession.’” NBC News: 2013. <http://www.nbcnews.com/news/us-news/florida-had-first-stand-your-ground-law-other-states-followed-v19522874>

25 States Currently Have Castle Doctrine

“Castle Doctrine Definition – again may differ slightly depending on each state (source <http://cga.ct.gov/2012/rpt/2012-R-0172.htm>):

The Castle Doctrine is a common law doctrine that designates a person's abode (or, in some states, any place legally occupied, such as a car or place of work) as a place in which the person has certain protections and immunities and allows such a person in certain circumstances, to attack an intruder instead of retreating. Typically, deadly force is considered justified homicide only in cases when the actor reasonably feared imminent peril of death or serious bodily harm to oneself or another. The doctrine is not a defined law that can be invoked, but is a set of principles which is incorporated in some form in the law of most states. Forty-six states, including Connecticut, have incorporated the Castle Doctrine into law.”

Creekmore, M.D. “States with Stand Your Ground and Castle Doctrine Laws,” The Survivalist Blog: 2013.
<http://www.thesurvivalistblog.net/states-stand-ground-castle-doctrine-laws/>

What Are Other States Doing?

“Florida, which can fairly be said to have launched the modern reform of state self-defense laws by adopting its Right-to-Carry law in 1987, continued in its trendsetting role in 2005 by **adopting a comprehensive Castle Doctrine law**. **Fourteen more states adopted similar laws** in 2006, five in 2007, three in 2008, one each in 2009 and 2010, and four in 2011. Along with Utah, which already had strong protections for lawful defenders, that **makes a total of 30 Castle Doctrine states.**”

Cox, Chris W. “‘Castle Doctrine’ Legislation: Protecting Your Right to Protect Yourself.” NRA-ILA: 2012. <http://www.nraila.org/news-issues/articles/2012/castle-doctrine-legislation-protecting-your-right-to-protect-yourself.aspx>

Please Support HB 1185

To protect the safety and rights of all Marylanders to defend themselves and their families in their own homes, please **vote favorably** for HB 1185.
