

GENERAL ASSEMBLY OF NORTH CAROLINA
1993 SESSION

CHAPTER 673
SENATE BILL 945

AN ACT TO PERMIT THE USE OF DEADLY FORCE AGAINST AN INTRUDER UNDER CERTAIN CIRCUMSTANCES AND TO PROVIDE THAT A LAWFUL OCCUPANT DOES NOT HAVE A DUTY TO RETREAT FROM AN INTRUDER, AS PROVIDED AT COMMON LAW.

The General Assembly of North Carolina enacts:

Section 1. Article 14 of 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) A lawful occupant within a home or other place of residence is justified in using any degree of force that the occupant reasonably believes is necessary, including deadly force, against an intruder to prevent a forcible entry into the home or residence or to terminate the intruder's unlawful entry (i) if the occupant reasonably apprehends that the intruder may kill or inflict serious bodily harm to the occupant or others in the home or residence, or (ii) if the occupant reasonably believes that the intruder intends to commit a felony in the home or residence.

(b) A lawful occupant within a home or other place of residence does not have a duty to retreat from an intruder in the circumstances described in this section.

(c) This section is not intended to repeal, expand, or limit any other defense that may exist under the common law."

Sec. 2. This act becomes effective October 1, 1994, and applies to offenses committed on or after that date.

In the General Assembly read three times and ratified this the 5th day of July, 1994.

Dennis A. Wicker
President of the Senate

Daniel Blue, Jr.
Speaker of the House of Representatives