

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 44

Short Title: Use of Deadly Force Against Intruder.

(Public)

Sponsors: Senators Kincaid; Albertson, Blackmon, Carpenter, Cochrane, Codington, Conder, Cooper, Daniel, Edwards, Folger, Forrester, Harris, Hartsell, Hoyle, Johnson, Kerr, Lee, Marshall, Martin of Pitt, Odom, Perdue, Plexico, Plyler, Sands, Seymour, Shaw, Simpson, Smith, Speed, Ward, Parnell, Allran, and Warren.

Referred to: Corrections/Punishment.

February 9, 1994

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) A lawful occupant of a home or other place of residence is justified in using any degree of force, including deadly force, against an intruder to prevent a forcible entry into the home or residence (i) if there is a reasonable apprehension of death or serious bodily harm to the occupant or others in the home or residence, or (ii) if there is a reasonable belief that the intruder intends to commit a felony.

(b) If an intruder is inside a home or other place of residence following a forcible entry, a lawful occupant of a home or residence is justified in using any degree of force, including deadly force, if such force is necessary, or, if not actually necessary, that the occupant has reasonable grounds to believe it is necessary to protect himself or others from death or serious bodily harm."

Sec. 2. This act becomes effective July 1, 1994.