

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2005

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SENATE BILL 1915\*

Short Title: Castle Doctrine for NC. (Public)

Sponsors: Senators Brock; Apodaca, Berger of Rockingham, Brown, East, Forrester,  
Goodall, Hunt, Jacumin, Presnell, Snow, Tillman, and Webster.

Referred to: Appropriations/Base Budget.

May 25, 2006

A BILL TO BE ENTITLED

AN ACT TO CLARIFY WHEN A PERSON MAY USE FORCE TO DEFEND  
HIMSELF OR HERSELF AND TO APPROPRIATE FUNDS TO THE  
ADMINISTRATIVE OFFICE OF THE COURTS TO ASSIST WITH  
OPERATING EXPENSES.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 6 of Chapter 14 of the General Statutes is amended by  
adding a new section to read:

**"§ 14-18.10. Use of force in defense of person; immunity from criminal  
prosecution and civil action for use of justifiable force.**

(a) For purposes of this section, the term "criminal prosecution" includes  
arresting, detaining in custody, and charging or prosecuting the defendant.

(b) A person is justified in using force, except deadly force, against another when  
and to the extent that the person reasonably believes that such conduct is necessary to  
defend himself or herself or another against the other's imminent use of unlawful force.  
However, a person is justified in the use of deadly force and does not have a duty to  
retreat if:

(1) He or she reasonably believes that such force is necessary to prevent  
imminent death or great bodily harm to himself or herself or another or  
to prevent the imminent commission of a forcible felony; or

(2) Under those circumstances permitted pursuant to G.S. 14-51.1.

(c) A person who uses force as permitted in subsection (b) of this section is  
justified in using such force and is immune from criminal prosecution and civil action  
for the use of such force. A law enforcement agency may use standard procedures for  
investigating the use of force as described in subsection (b) of this section, but the  
agency may not arrest the person for using force unless it determines that there is  
probable cause that the force that was used was unlawful. The court shall award  
reasonable attorneys' fees, court costs, compensation for loss of income, and all

1 expenses incurred by the defendant in defense of any civil action brought by a plaintiff  
2 if the court finds that the defendant is immune from prosecution as provided in this  
3 subsection."

4           **SECTION 3.** There is appropriated from the General Fund to the  
5 Administrative Office of the Courts the sum of fifty thousand dollars (\$50,000) for the  
6 2006-2007 fiscal year to assist with operating expenses.