

March 1, 2007

H 476. CASTLE DOCTRINE FOR NC. Filed 3/1/07. *TO CLARIFY WHEN A PERSON MAY USE FORCE TO DEFEND HIMSELF OR HERSELF OR ANOTHER PERSON OR TO PREVENT THE IMMINENT COMMISSION OF A FORCIBLE FELONY.*

Enacts new GS 14-18.10 to provide that a person may use non-deadly force when the person reasonably believes it necessary to defend himself, herself, or another against another person's imminent use of unlawful force. A person may use deadly force, without retreating, (1) if the person reasonably believes it necessary to prevent imminent death or great bodily harm to himself, herself, or another or to prevent the imminent commission of a forcible felony or (2) under the circumstances permitted under GS 14-51.1 (use of deadly force in residence). Provides that a person who uses force as permitted by the act is immune from criminal prosecution or civil action and that law enforcement may not arrest the person unless it determines that there is probable cause that the force was unlawful. Authorizes a court to award attorneys' fees, court costs, compensation for loss of income, and all expenses incurred in defending against a civil action if the court finds that the defendant is immune from prosecution as provided in the act. Also provides that a person who is attempting to commit, committing, or escaping after the commission of a forcible felony, or is initially provoking the use of force is not justified in using force against another as described above, unless: (1) the force is so great that the person reasonably believes that they are in imminent danger of death or great bodily harm and they have exhausted every reasonable means to escape danger other than the use of force likely to cause death or great bodily harm to the assailant; or (2) the person withdraws from physical contact in good faith and clearly indicates to the assailant that they have withdrawn, but the assailant continues the use of force. Effective December 1, 2007.

Intro. by Hilton, J. Harrell, Moore.

GS 14