

April 6, 2009

H 1131. CASTLE DOCTRINE FOR NC. Filed 4/6/09. *TO PROVIDE WHEN THE USE OF FORCE OR THE USE OF DEADLY FORCE IS JUSTIFIABLE IN DEFENSE OF SELF, OTHERS, OR ONE'S HOME OR VEHICLE, OR IN PREVENTING THE COMMISSION OF A FORCIBLE FELONY, AND TO PROVIDE IMMUNITY FROM CRIMINAL PROSECUTION AND CIVIL ACTION IN THOSE CIRCUMSTANCES.*

To be summarized in tomorrow's *Daily Bulletin*.

Intro. by Hilton.

GS 14

April 7, 2009

H 1131. CASTLE DOCTRINE FOR NC. Filed 4/6/09. *TO PROVIDE WHEN THE USE OF FORCE OR THE USE OF DEADLY FORCE IS JUSTIFIABLE IN DEFENSE OF SELF, OTHERS, OR ONE'S HOME OR VEHICLE, OR IN PREVENTING THE COMMISSION OF A FORCIBLE FELONY, AND TO PROVIDE IMMUNITY FROM CRIMINAL PROSECUTION AND CIVIL ACTION IN THOSE CIRCUMSTANCES.*

Effective December 1, 2009, adds a new Article 62 to Chapter 14 of the General Statutes, which provides that a person is justified in using deadly force, and has no duty to retreat, when he or she reasonably believes that such force is necessary to prevent death or great bodily harm to any person or to prevent the commission of a violent felony. A reasonable belief in the necessity of using deadly force is presumed when the person against whom the force is used has unlawfully entered or is in the process of unlawfully entering a dwelling, residence, or occupied vehicle, subject to certain exceptions. Also provides that a person is justified in the use of non-deadly force if he or she reasonably believes it to be necessary to prevent or terminate a trespass on, or any interference with, real property other than a dwelling that is in the possession of the person or of a member of the person's family. A person who is justified in the use of force may not be prosecuted criminally or civilly, and a person who is injured or killed during the commission of a forcible felony may not seek damages for wrongful death, personal injury, or injury to property. Repeals GS 14-51.1, the current statute governing the use of deadly force against intruders. Effective for offenses committed on or after December 1, 2009.

Intro. by Hilton.

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