

1 H.82

2 Introduced by Representatives Donaghy of Poultney, Baker of West Rutland,
3 Brennan of Colchester, Canfield of Fair Haven, Devereux of
4 Mount Holly, Larocque of Barnet, McAllister of Highgate,
5 McNeil of Rutland Town and Savage of Swanton

6 Referred to Committee on

7 Date:

8 Subject: Crimes; general provisions; use of force in defense of a dwelling
9 place

10 Statement of purpose: This bill proposes to allow a person to use force to
11 defend his or her dwelling place. The bill allows the use of nondeadly force to
12 prevent or terminate an unlawful trespass. It allows a person to use deadly
13 force to prevent an attempted arson in or upon the person's premises. Finally,
14 it allows a person to use deadly force if the person reasonably believes that it is
15 necessary to prevent or terminate an unlawful trespass by someone who is
16 committing another crime in or upon the person's premises.

17 An act relating to the use of force in defense of a dwelling place

18 It is hereby enacted by the General Assembly of the State of Vermont:

1 Sec. 1. 13 V.S.A. § 15 is added to read:

2 § 15. USE OF FORCE IN DEFENSE OF A DWELLING PLACE

3 (a) A person in possession or control of premises or a person who is
4 licensed or privileged to be there is justified in using nondeadly force upon
5 another person when and to the extent that the person reasonably believes it
6 necessary to prevent or terminate the commission of an unlawful trespass by
7 the other person in or upon such premises.

8 (b) A person in possession or control of premises or a person who is
9 licensed or privileged to be there is justified in using deadly force upon another
10 person when and to the extent that the person reasonably believes it necessary
11 to prevent an attempt by the other person to commit arson as defined in chapter
12 11 of this title in or upon such premises.

13 (c) A person in possession or control of a dwelling place or a person who is
14 licensed or privileged to be there is justified in using deadly force upon another
15 person:

16 (1) under the circumstances enumerated in section 2305 of this title; or
17 (2) when the person reasonably believes that deadly force is necessary to
18 prevent or terminate the commission of an unlawful trespass by the other
19 person, whom the person reasonably believes:

1 (A) has entered or is attempting to enter the dwelling place or has
2 surreptitiously remained within the dwelling place without a license or
3 privilege to do so; and

4 (B) is committing or is likely to commit some other crime within
5 the dwelling place.

6 (d) A person may use deadly force under subsection (c) of this section only
7 if the person first demands that the person against whom such deadly force is
8 to be used terminate the unlawful trespass, and the trespasser fails to
9 immediately comply with the demand, unless the person reasonably believes
10 that it would be dangerous to the person or to a third person to make the
11 demand.