

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 148

Short Title: Presume Use of Force Reasonable.

(Public)

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Sponsors: Senators Odom; Plexico, Plyler, Blackmon, Lee, Folger, and Marshall.

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Referred to: Corrections/Punishment.

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February 15, 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. Article 14 of 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 the occupant has a reasonable apprehension of death or serious bodily harm to the occupant or others in the home or residence, or (ii) if the occupant has 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 the home or residence is justified in using any degree of force, including deadly force, if such force is necessary, or, if not actually necessary, if the occupant has reasonable grounds to believe it is necessary to protect the occupant or others from death or serious bodily harm.

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

1       (d) If an intruder or aggressor openly displays a firearm, a knife, or any other  
2 weapon with deadly force potential, there shall be a **prima facie** presumption that the  
3 use of deadly physical force was justified."

4               Sec. 2. This act is effective upon ratification, and applies to acts that occur  
5 before, on, or after the date of ratification.