

GENERAL ASSEMBLY OF NORTH CAROLINA

EXTRA SESSION 1994

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SENATE BILL 148

Select Committee on Corrections/Punishment Committee Substitute Adopted 2/24/94

Short Title: Presume Use of Force Reasonable.

(Public)

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Sponsors:

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Referred to: Rules and Operation of the Senate; re-referred to Appropriations.

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February 15, 1994

1 A BILL TO BE ENTITLED

2 AN ACT CREATING A PRIMA FACIE PRESUMPTION THAT THE USE OF  
3 DEADLY FORCE AGAINST AN INTRUDER IS JUSTIFIED UNDER CERTAIN  
4 CIRCUMSTANCES.

5 The General Assembly of North Carolina enacts:

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

8 "**§ 14-51.1. Presumption regarding deadly physical force against an intruder.**

9 When there is evidence that an intruder or aggressor openly displayed a firearm, a  
10 knife, or any other weapon with deadly force potential, there shall be a **prima facie**  
11 presumption that the use of deadly physical force against the intruder by a lawful  
12 occupant of the home or place of business was justified."

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