

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

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SENATE DRS85277-LH-80 (02/07)

Short Title: Castle Doctrine for NC.

(Public)

Sponsors: Senators Brock, Berger of Franklin and Snow.

Referred to:

A BILL TO BE ENTITLED

AN ACT 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.

The General Assembly of North Carolina enacts:

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

"§ 14-18.10. Use of force in defense of person; immunity from criminal prosecution and civil action for use of justifiable force.

(a) For purposes of this section, the term "criminal prosecution" includes arresting, detaining in custody, and charging or prosecuting the defendant.

(b) A person is justified in using force, except deadly force, against another when and to the extent that the person reasonably believes that such conduct is necessary to defend himself or herself or another against the other's imminent use of unlawful force. However, a person is justified in the use of deadly force and does not have a duty to retreat if:

(1) He or she reasonably believes that such force is necessary to prevent imminent death or great bodily harm to himself or herself or another or to prevent the imminent commission of a forcible felony; or

(2) Under those circumstances permitted pursuant to G.S. 14-51.1.

(c) A person who uses force as permitted in subsection (b) of this section is justified in using such force and is immune from criminal prosecution and civil action for the use of such force. A law enforcement agency may use standard procedures for investigating the use of force as described in subsection (b) of this section, but the agency may not arrest the person for using force unless it determines that there is probable cause that the force that was used was unlawful. The court shall award reasonable attorneys' fees, court costs, compensation for loss of income, and all

1 expenses incurred by the defendant in defense of any civil action brought by a plaintiff
2 if the court finds that the defendant is immune from prosecution as provided in this
3 subsection."

4 **SECTION 2.** This act becomes effective December 1, 2007.