

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2011

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HOUSE BILL 1192

Short Title: Amend Castle Doctrine/Repeal Stand Ground. (Public)

Sponsors: Representatives Adams, Wainwright, Michaux, and R. Moore (Primary Sponsors).

For a complete list of Sponsors, see Bill Information on the NCGA Web Site.

Referred to: Judiciary Subcommittee C.

May 30, 2012

A BILL TO BE ENTITLED

AN ACT TO AMEND THE LAW REGARDING THE "CASTLE DOCTRINE" AND TO REPEAL THE "STAND YOUR GROUND LAWS" SO THAT THE COMMON LAW CONTINUES TO GOVERN THE LAWFUL USE OF FORCE IN DEFENSE OF ONE'S SELF OR ANOTHER PERSON.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-51.2 is repealed.

SECTION 2. G.S. 14-51.3 is repealed.

SECTION 3. G.S. 14-51.4 is repealed.

SECTION 4. Article 14 of Chapter 14 of the General Statutes is amended by adding a new section to read:

"§ 14-51.5. Use of deadly physical force against an intruder.

(a) A lawful occupant within a home or other place of residence is justified in using any degree of force that the occupant reasonably believes is necessary, including deadly force, against an intruder to prevent a forcible entry into the home or residence or to terminate the intruder's unlawful entry (i) if the occupant reasonably apprehends that the intruder may kill or inflict serious bodily harm to the occupant or others in the home or residence or (ii) if the occupant reasonably believes that the intruder intends to commit a felony in the home or residence.

(b) A lawful occupant within a home or other place of residence does not have a duty to retreat from an intruder in the circumstances described in this section.

(c) This section is not intended to repeal, expand, or limit any other defense that may exist under the common law."

SECTION 5. This act becomes effective December 1, 2012, and applies to offenses committed on or after that date.

