
By Mr. MacLean, a petition (accompanied by bill, Senate, No. 1614) of William Q. MacLean, Jr., Paul V. Doane and other members of the General Court for legislation to permit the use of deadly force to terminate the unlawful entry into a dwelling. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Eighty-two.

AN ACT ALLOWING PERSONS TO PROTECT THEMSELVES IN THEIR OWN DWELLINGS.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 278 of the General Laws is hereby
2 amended by adding after Section 8 the following new sec-
3 tion: —

4 *Section 8A.* It shall be an absolute defense to a charge of
5 murder, manslaughter, assault and battery by means of a dan-
6 gerous weapon, assault with a dangerous weapon, assault and
7 battery, or assault or to a charge of conspiracy or attempt to
8 commit any of the foregoing offenses, if such complaint or in-
9 dictment arose out of the use of force, including deadly force,
10 by persons in their own dwellings, or invitees of said persons,
11 to terminate an unlawful entry into said dwellings, provided
12 however, that immediately prior to the use of such force a
13 verbal warning of its intended use shall be given.

14 No persons shall be required to retreat within or from their
15 dwellings before using force, including deadly force, if said
16 persons have reason to believe that they or their children or
17 their invitees will be assaulted.

18 For the purposes of this section the word "dwelling(s)"
19 shall include a person's home or usual place of abode, or the
20 place where such person has the exclusive right to be and
21 shall include but not be limited to such places as a vacation
22 home, a motel or hotel room, apartment, mobile home or
23 camper-type vehicle, and such structures, barns, outbuildings
24 or garages which are appurtenant to one's dwelling house and
25 a part of the same premises.

1 SECTION 2. No person who is unlawfully in or upon a "dwell-
2 ing" as described in paragraph three of section one of this
3 section shall be entitled to recover any damages either at law
4 or in equity from any person exercising force, including dead-
5 ly force, under the provisions of this section.

1 SECTION 3. This section shall take effect upon its passage.