

2016 -- H 7828

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LC005245
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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

A N A C T

RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING

Introduced By: Representatives Lima, Carnevale, Melo, Corvese, and Nardolillo

Date Introduced: March 03, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-8-8 of the General Laws in Chapter 11-8 entitled "Burglary and
2 Breaking and Entering" is hereby amended to read as follows:

3 **11-8-8. Injury or death -- Defense.** -- In the event that any person shall die or shall
4 sustain a personal injury in any way or for any cause while in the commission of any criminal
5 offense enumerated in §§ 11-8-2 -- 11-8-6, [or §11-39-2](#), it shall be rebuttably presumed as a
6 matter of law in any civil or criminal proceeding that the owner, tenant, or occupier of the place
7 where the offense was committed acted by reasonable means in self-defense and in the reasonable
8 belief that the person engaged in the criminal offense was about to inflict great bodily harm or
9 death upon that person or any other individual lawfully in the place where the criminal offense
10 was committed. There shall be no duty on the part of an owner, tenant, or occupier to retreat from
11 any person engaged in the commission of any criminal offense enumerated in §§ 11-8-2 -- 11-8-6
12 [or §11-39-2](#).

13 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING

- 1 This act would permit the use of deadly force to defend against a robbery of the owner,
- 2 lessor or occupant of a motor vehicle.
- 3 This act would take effect upon passage.

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