

2022 -- H 7703

LC005301

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING

Introduced By: Representatives Cardillo, C Lima, Bennett, O'Brien, Craven, and Perez

Date Introduced: March 02, 2022

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 11-8 of the General Laws entitled "Burglary and Breaking and  
2 Entering" is hereby amended by adding thereto the following section:

3 **11-8-4.1. Retail establishments defense.**

4 (a) An owner, employee or security or loss prevention agent shall have the right to use  
5 reasonable and necessary force to defend a retail establishment and/or merchandise from any person  
6 engaged in criminal activity directed at or occurring on the retail premises which shall include, but  
7 not be limited to, vandalism, theft, or threatening behavior towards the owner, employees or  
8 customers. The owner, employee or security or loss prevention agent shall have no duty to retreat  
9 prior to exercising reasonable and necessary force. No criminal or civil liability shall be imposed  
10 upon any person exercising reasonable and necessary force pursuant to the provisions of this  
11 subsection.

12 (b) In the event any person engaged in criminal activity directed at or occurring on a retail  
13 establishment premises is engaged in a crime of violence as defined in § 11-47-2 or uses a deadly  
14 weapon to engage in the criminal activity directed at or occurring on the retail premises, then it  
15 shall be rebuttably presumed as a matter of laws in any civil or criminal proceeding that the owner,  
16 employee or security or loss prevention agent shall not be held criminally or civilly liable for any  
17 injury, including death to the person engaged in the criminal offense, and the owner, employee or  
18 security or loss prevention agent acted by means of reasonable self-defense and in a reasonable  
19 belief that the person engaged in the criminal behavior was about to inflict great bodily harm or

1 death upon the owner, employee, agent or a customer of the retail establishment.

2 (c) No owner, employee, security or loss prevention agent acting pursuant to subsection  
3 (b) of this section shall have any duty to retreat prior to exercising deadly force in self-defense or  
4 defense of another.

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

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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- 1           This act would authorize a retail store owner or their agent to use reasonable force to defend
- 2 the persons and property of the retail establishment. The owner or their agent could use deadly
- 3 force to respond to a crime of violence.
- 4           This act would take effect upon passage.

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