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HOUSE BILL NO. 48

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 15, 2012)

(Patron Prior to Substitute—Delegate Bell, Richard P.)

A BILL to amend the Code of Virginia by adding a section numbered 8.01-223.3, relating to self-defense and defense of others.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-223.3 as follows:

§ 8.01-223.3. Use of physical force, including deadly force, against an intruder; justified self-defense.

Any person who lawfully occupies a dwelling is justified in using any degree of physical force, including deadly physical force, against another person when (i) the other person has unlawfully entered the dwelling and has committed an overt act toward the occupant or another person in the dwelling and (ii) the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily injury.

Any occupant of a dwelling using physical force, including deadly physical force as provided in this section, shall be immune from civil liability for injuries or death of the other person who has unlawfully entered the dwelling that results from the use of such force.

This section shall not be construed to limit, withdraw, or overturn any defense or immunity already existing in statutory or common law prior to the effective date of this law.

SENATE SUBSTITUTE

HB48S1