

2012 SESSION

HOUSE SUBSTITUTE

12105456D

SENATE BILL NO. 4

AMENDMENT IN THE NATURE OF A SUBSTITUTE

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

(Patrons Prior to Substitute—Senators Stuart and Stanley [SB 64])

A BILL to amend the Code of Virginia by adding a section numbered 8.01-223.3, relating to immunity for persons acting in defense of property.

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. Immunity for persons acting in defense of property.

Any person who lawfully occupies a dwelling and uses any degree of physical force, including deadly physical force, against another person when the other person has unlawfully entered the dwelling without the permission of said occupant, having committed an overt act toward the occupant or another person in the dwelling, and the occupant reasonably believes he or another person in the dwelling is in imminent danger of bodily injury, shall be immune from civil liability for injuries to or death of the other person who has unlawfully entered the dwelling that results from the use of such force.

Nothing in this section shall either form the basis for a jury instruction or be offered as evidence of criminal liability or lack thereof in a criminal proceeding.

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