



130th MAINE LEGISLATURE

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Legislative Document

No. 1138

H.P. 816

House of Representatives, March 22, 2021

**An Act To Ensure the Right to Self-defense Exists outside the Home
by Removing the Requirement To Retreat**

Received by the Clerk of the House on March 18, 2021. Referred to the Committee on Criminal Justice and Public Safety pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative ANDREWS of Paris.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 17-A MRSA §108, sub-§2, ¶C**, as amended by PL 2007, c. 173, §24, is
3 further amended by amending subparagraph (3) to read:

4 (3) The person knows that the person or a 3rd person can, with complete safety;
5 surrender property to a person asserting a colorable claim of right to the property.

6 ~~(a) Retreat from the encounter, except that the person or the 3rd person is not~~
7 ~~required to retreat if the person or the 3rd person is in the person's dwelling~~
8 ~~place and was not the initial aggressor;~~

9 ~~(b) Surrender property to a person asserting a colorable claim of right thereto;~~
10 ~~or~~

11 ~~(c) Comply with a demand that the person abstain from performing an act that~~
12 ~~the person is not obliged to perform.~~

13 **Sec. 2. 17-A MRSA §108, sub-§4** is enacted to read:

14 4. A person justified in using deadly force under subsection 2 is not required to retreat
15 from the encounter if the person reasonably believes that using deadly force is necessary
16 to prevent the death of or serious bodily injury to the person or a 3rd person or to prevent
17 the commission of a kidnapping, a robbery or a violation of section 253, subsection 1,
18 paragraph A.

19 **SUMMARY**

20 This bill removes the requirements that a person refrain from using deadly force and
21 instead retreat if it is safe to do so and if the person can comply with a demand that the
22 person abstain from performing an act that the person is not obliged to perform. The bill
23 also permits the use of deadly force to prevent death or serious bodily injury in self-defense
24 or in defense of a 3rd person or to prevent the forcible commission of a kidnapping, a
25 robbery or a gross sexual assault.