

# MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 172, L.D. 206)  
2 FIRST REGULAR SESSION  
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE  
5

6 Legislative Document

No. 1074

7  
8 H.P. 772

House of Representatives, March 20, 1985

9 Reported by the Minority from the Committee on Judiciary and printed  
10 under Joint Rule 2. Original bill sponsored by Representative Drinkwater of  
11 Belfast. Cosponsored by Representative Whitcomb of Waldo.

EDWIN H. PERT, Clerk

12  
13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FIVE  
17

18 AN ACT to Redefine Deadly Force.  
19

20 Be it enacted by the People of the State of Maine as  
21 follows:

22 17-A MRSA §2, sub-§8, as enacted by PL 1975, c.  
23 499, §1, is amended to read:

24 8. "Deadly force" means physical force which a  
25 person uses with the intent of causing, or which he  
26 knows to create a substantial risk of causing, death  
27 or ~~serious~~ permanent bodily injury. Intentionally or  
28 recklessly discharging a firearm in the direction of  
29 another person or at a moving vehicle constitutes  
30 deadly force.

1 STATEMENT OF FACT

2 This new draft replaces the entire bill by simply  
3 making a one-word change in the current definition of  
4 "deadly force." The new draft replaces the phrase  
5 "serious bodily injury" in the definition with the  
6 phrase "permanent bodily injury."

7 Under the current definition of "deadly force," a  
8 person cannot use physical force which he knows cre-  
9 ates a substantial risk of causing serious bodily in-  
10 jury to defend against the theft of his property, un-  
11 less the theft is occurring inside his home. "Ser-  
12 ous bodily injury" is defined to include substantial  
13 impairment of a bodily member or organ or extended  
14 convalescence. Thus, in defending property, that is  
15 not a home, a person cannot use physical force that  
16 might break an arm because that force might cause  
17 "serious bodily injury."

18 2643030885