

2024 -- S 2192

LC003695

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2024

A N A C T

RELATING TO CRIMINAL OFFENSES -- BURGLARY AND BREAKING AND ENTERING

Introduced By: Senators Rogers, de la Cruz, Paolino, DeLuca, E Morgan, and Ciccone

Date Introduced: January 24, 2024

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 11-8-8 of the General Laws in Chapter 11-8 entitled "Burglary and  
2 Breaking and Entering" is hereby amended to read as follows:

3 **11-8-8. Injury or death — Defense.**

4 In the event that any person shall die or shall sustain a personal injury in any way or for  
5 any cause while in the commission of any criminal offense enumerated in §§ 11-8-2 — 11-8-6, [or](#)  
6 [§ 11-39-2](#), it shall be rebuttably presumed as a matter of law in any civil or criminal proceeding  
7 that the owner, tenant, or occupier of the place where the offense was committed acted by  
8 reasonable means in self-defense and in the reasonable belief that the person engaged in the  
9 criminal offense was about to inflict great bodily harm or death upon that person or any other  
10 individual lawfully in the place where the criminal offense was committed. There shall be no duty  
11 on the part of an owner, tenant, or occupier to retreat from any person engaged in the commission  
12 of any criminal offense enumerated in §§ 11-8-2 — 11-8-6, [or § 11-39-2](#).

13 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 add a rebuttable defense if any person shall die or sustain a personal injury  
2 while committing robbery of the owner, lessor, or occupant of a motor vehicle and that the owner  
3 or occupant of the vehicle acted in self-defense and in the reasonable belief that the person engaged  
4 in the criminal offense was about to inflict great bodily harm or death upon that person or any other  
5 individual.

6           This act would take effect upon passage.

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