



131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1560

H.P. 1005

House of Representatives, April 11, 2023

**An Act to Remove the Duty of an Individual Exercising Self-defense
to Safely Retreat or Abstain from Performing Certain Acts upon
Demand**

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative PERKINS of Dover-Foxcroft.
Cosponsored by Senator HARRINGTON of York and
Representatives: ANDREWS of Paris, ARDELL of Monticello, FAULKINGHAM of Winter
Harbor, HYMES of Waldo, NEWMAN of Belgrade, SOBOLESKI of Phillips, WHITE of
Guilford.

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

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

- (3) The person knows that the person or a 3rd person can, with complete safety:
 - (a) ~~Retreat from the encounter, except that the person or the 3rd person is not required to retreat if the person or the 3rd person is in the person's dwelling place and was not the initial aggressor;~~
 - (b) Surrender property to a person asserting a colorable claim of right thereto;
~~or,~~
 - (c) ~~Comply with a demand that the person abstain from performing an act that the person is not obliged to perform.~~

SUMMARY

This bill removes the duty of a person exercising self-defense in an encounter to, if the person can do so safely, retreat from the encounter or comply with a demand to abstain from performing an act that the person is not obliged to perform before using deadly force.