



DÁIL ÉIREANN

AN BILLE UM AN DLÍ COIRIÚIL (COSAINN AGUS AN TEAGHAIS) 2010 CRIMINAL LAW (DEFENCE AND THE DWELLING) BILL 2010

LEASUITHE TUARASCÁLA REPORT AMENDMENTS

DÁIL ÉIREANN

AN BILLE UM AN DLÍ COIRIÚIL (COSAINN AGUS AN TEAGHAIS) 2010 —AN TUARASCÁIL

CRIMINAL LAW (DEFENCE AND THE DWELLING) BILL 2010 —REPORT

Leasuithe Amendments

1. In page 4, to delete lines 3 to 20 and substitute the following:

“2.—(1) Notwithstanding the generality of any other enactment or rule of law and subject to *subsections (2) and (3)*, it shall not be an offence for a person who is in his or her dwelling, or for a person who is a lawful occupant in a dwelling, to use force against another person or the property of another person where—

- (a) he or she believes the other person has entered or is entering the dwelling as a trespasser for the purpose of committing a criminal act, and
- (b) the force used is only such as is reasonable and proportional in the circumstances as he or she believes them to be—
 - (i) to protect himself or herself or another person present in the dwelling from imminent injury, assault, detention or death caused by a criminal act,
 - (ii) to protect his or her property or the property of another person from imminent appropriation, destruction or damage caused by a criminal act, or
 - (iii) was necessary to prevent the commission of a crime or to effect, or assist in effecting, a lawful arrest.”.

—Jonathan O'Brien.

2. In page 5, to delete lines 10 and 11 and substitute the following:

“(7) Notwithstanding the provisions set out in *Section 2*, the use of force shall exclude the use of force causing death except in circumstances where it is absolutely necessary.

(8) Notwithstanding the provisions set out in *Section 2*, the defence of private property shall not be a legitimate reason for the use of fatal force.”.

—Jonathan O'Brien.