



# **SEANAD ÉIREANN**

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

### **LEASUITHE COISTE COMMITTEE AMENDMENTS**

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# SEANAD ÉIREANN

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

### CRIMINAL LAW (DEFENCE AND THE DWELLING) BILL 2010 —COMMITTEE STAGE

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*Leasuithe  
Amendments*

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#### SECTION 2

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.”

—*Senators David Cullinane, Kathryn Reilly, Trevor Ó Clochartaigh.*

2. In page 5, lines 10 and 11, to delete subsection (7) 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.”

—*Senators David Cullinane, Kathryn Reilly, Trevor Ó Clochartaigh.*