

# HOUSE BILL No. 5559

February 14, 2018, Introduced by Reps. Theis, Barrett, Marino, Johnson, Reilly, Glenn and Bizon and referred to the Committee on Judiciary.

A bill to amend 1927 PA 175, entitled  
"The code of criminal procedure,"  
by amending section 21c of chapter VIII (MCL 768.21c), as added by  
2006 PA 313.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### CHAPTER VIII

Sec. 21c. (1) ~~In~~**SUBJECT TO SUBSECTION (2), IN** cases in which  
section 2 of the self-defense act, **2006 PA 309, MCL 780.972**, does  
not apply, the common law of this state applies except that the  
duty to retreat before using deadly force is not required if an  
individual is in his or her own dwelling or within the curtilage of  
that dwelling.

**(2) IF A DEFENDANT MAKES A PRIMA FACIE CLAIM OF SELF-DEFENSE  
IMMUNITY FROM CRIMINAL PROSECUTION, THE BURDEN OF PROOF BY CLEAR**

1    **AND CONVINCING EVIDENCE IS ON THE PARTY SEEKING TO OVERCOME THE**  
2    **IMMUNITY FROM CRIMINAL PROSECUTION.**

3           **(3)** ~~(2)~~—As used in this section, "dwelling" means a structure  
4    or shelter that is used permanently or temporarily as a place of  
5    abode, including an appurtenant structure attached to that  
6    structure or shelter.

7           Enacting section 1. This amendatory act takes effect 90 days  
8    after the date it is enacted into law.

9           Enacting section 2. This amendatory act does not take effect  
10   unless Senate Bill No. \_\_\_\_ or House Bill No. 5558 (request no.  
11   04312'17) of the 99th Legislature is enacted into law.