

112TH CONGRESS
1ST SESSION

H. R. 2252

To protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right.

IN THE HOUSE OF REPRESENTATIVES

JUNE 21, 2011

Mr. BARTLETT (for himself, Mr. SIMPSON, Mr. POSEY, Mr. BURTON of Indiana, Mr. LATTA, Mr. CALVERT, Mr. HALL, Mr. DUNCAN of Tennessee, Mr. MARCHANT, Mr. MICA, Mr. MCCOTTER, Mr. ROSS of Florida, Mrs. MILLER of Michigan, Mr. FORBES, Mr. BROOKS, Mr. GINGREY of Georgia, Mr. FLORES, Mr. FRANKS of Arizona, and Mrs. SCHMIDT) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To protect the right to obtain firearms for security, and to use firearms in defense of self, family, or home, and to provide for the enforcement of such right.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Citizens’ Self-Defense
5 Act of 2011”.

6 **SEC. 2. FINDINGS.**

7 The Congress finds the following:

1 (1) Police cannot protect, and are not legally
2 liable for failing to protect, individual citizens, as
3 evidenced by the following:

4 (A) The courts have consistently ruled that
5 the police do not have an obligation to protect
6 individuals, only the public in general. For ex-
7 ample, in *Warren v. District of Columbia Met-*
8 *ropolitan Police Department*, 444 A.2d 1 (D.C.
9 App. 1981), the court stated: “[C]ourts have
10 without exception concluded that when a mu-
11 nicipality or other governmental entity under-
12 takes to furnish police services, it assumes a
13 duty only to the public at large and not to indi-
14 vidual members of the community.”.

15 (B) Former Florida Attorney General Jim
16 Smith told Florida legislators that police re-
17 sponded to only 200,000 of 700,000 calls for
18 help to Dade County authorities.

19 (C) The United States Department of Jus-
20 tice found that, in 1989, there were 168,881
21 crimes of violence for which police had not re-
22 sponded within 1 hour.

23 (2) Citizens frequently must use firearms to de-
24 fend themselves, as evidenced by the following:

1 (A) Every year, more than 2,400,000 peo-
2 ple in the United States use a gun to defend
3 themselves against criminals—or more than
4 6,500 people a day. This means that, each year,
5 firearms are used 60 times more often to pro-
6 tect the lives of honest citizens than to take
7 lives.

8 (B) Of the 2,400,000 self-defense cases,
9 more than 192,000 are by women defending
10 themselves against sexual abuse.

11 (C) Of the 2,400,000 times citizens use
12 their guns to defend themselves every year, 92
13 percent merely brandish their gun or fire a
14 warning shot to scare off their attackers. Less
15 than 8 percent of the time, does a citizen kill
16 or wound his or her attacker.

17 (3) Law-abiding citizens, seeking only to pro-
18 vide for their families' defense, are routinely pros-
19 ecuted for brandishing or using a firearm in self-de-
20 fense. For example:

21 (A) In 2001, a grand jury had to rule on
22 the case of 2 brothers that used firearms to
23 protect their lives and their livelihood for their
24 involvement in a fatal shooting in Reisterstown,
25 Maryland. The grand jury decided not to press

1 criminal charges. The brothers, at the time, had
2 encountered several burglaries at their concrete
3 business. The brothers spent the night in their
4 warehouse armed with shotguns. One night at
5 1:00 in the morning the burglars returned and
6 the brothers shot and killed 1 burglar and in-
7 jured 2 of the others. The 2 injured men were
8 charged with burglary and 2 others were
9 charged with burglary in connection with bur-
10 glaries that had occurred in a previous month
11 at the brother's warehouse. Burglary is known
12 to be a violent crime and the brothers were par-
13 ticularly worried when they realized a gun of
14 theirs had been stolen in a previous break-in.

15 (B) In 2008, a Waukegan, Illinois, store
16 clerk shot and injured a robber. According to
17 news reports, there was potential the clerk
18 could face criminal charges, even though he
19 acted in self-defense. The store clerk did not
20 have a firearm owner's identification card and
21 would be charged with a State firearms viola-
22 tion. Additionally, Illinois law does not allow
23 employees to carry a gun in a place of business.
24 Rather, the law only allows individuals to carry

1 a gun in a place of business if that individual
2 is the owner or has proprietary interest.

3 (C) In September 2009, a Lithonia home-
4 owner from Dekalb County, Georgia, was
5 charged with aggravated assault after he shot
6 someone who was trying to knock down the
7 door of his home as an attempt to break into
8 the residence. According to the neighbors, there
9 had been trouble in the neighborhood before. A
10 police spokesperson said the homeowner was
11 charged because the robber was technically not
12 inside the home. The suspected robber was
13 charged with attempted burglary.

14 (D) In January 2004, Wilmette, Illinois,
15 police charged and convicted a homeowner with
16 misdemeanors for owning 2 handguns and vio-
17 lating the village handgun ban ordinance. The
18 homeowner was also faced with a potential
19 \$750 fine for failing to renew his Illinois fire-
20 arm owner's identification card. These charges
21 were brought after he shot a home intruder.
22 The resident stated, "My Plan A is to call 911
23 and keep the family upstairs . . . But my Plan
24 B is to have a loaded firearm and put a bullet
25 in the intruder." The intruder entered the

1 house 2 times, once through a dog door and the
2 second time with a stolen house key. The home-
3 owner had just put his children to bed when his
4 security system was set off. The homeowner
5 went downstairs and confronted and shot the
6 intruder. The intruder jumped through a win-
7 dow and stole the family's car to go to the hos-
8 pital. The intruder was charged with 2 counts
9 of residential burglary and 1 count of posses-
10 sion of a stolen vehicle.

11 (4) The courts have granted immunity from
12 prosecution to police officers who use firearms in the
13 line of duty. Similarly, law-abiding citizens who use
14 firearms to protect themselves, their families, and
15 their homes against violent felons should not be sub-
16 ject to lawsuits by the violent felons who sought to
17 victimize them.

18 **SEC. 3. RIGHT TO OBTAIN FIREARMS FOR SECURITY, AND**
19 **TO USE FIREARMS IN DEFENSE OF SELF,**
20 **FAMILY, OR HOME; ENFORCEMENT.**

21 (a) REAFFIRMATION OF RIGHT.—A person not pro-
22 hibited from receiving a firearm by section 922(g) of title
23 18, United States Code, shall have the right to obtain fire-
24 arms for security, and to use firearms—

1 (1) in defense of self or family against a rea-
2 sonably perceived threat of imminent and unlawful
3 infliction of serious bodily injury;

4 (2) in defense of self or family in the course of
5 the commission by another person of a violent felony
6 against the person or a member of the person’s fam-
7 ily; and

8 (3) in defense of the person’s home in the
9 course of the commission of a felony by another per-
10 son.

11 (b) FIREARM DEFINED.—As used in subsection (a),
12 the term “firearm” means—

13 (1) a shotgun (as defined in section 921(a)(5)
14 of title 18, United States Code);

15 (2) a rifle (as defined in section 921(a)(7) of
16 title 18, United States Code); or

17 (3) a handgun (as defined in section 10 of Pub-
18 lic Law 99–408).

19 (c) ENFORCEMENT OF RIGHT.—

20 (1) IN GENERAL.—A person whose right under
21 subsection (a) is violated in any manner may bring
22 an action in any United States district court against
23 the United States, any State, or any person for
24 damages, injunctive relief, and such other relief as
25 the court deems appropriate.

1 (2) AUTHORITY TO AWARD A REASONABLE AT-
2 TORNEY'S FEE.—In an action brought under para-
3 graph (1), the court, in its discretion, may allow the
4 prevailing plaintiff a reasonable attorney's fee as
5 part of the costs.

6 (3) STATUTE OF LIMITATIONS.—An action may
7 not be brought under paragraph (1) after the 5-year
8 period that begins with the date the violation de-
9 scribed in paragraph (1) is discovered.

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