

Dear Judiciary Committee Member,

I was glad to see an opportunity for public comments to be made regarding HB 40, the Castle Doctrine today. I wish my comments to be added to the public record in this matter.

I wish to express my support for HB 40 providing a form of qualified immunity for persons in civil actions from the legal use of force to defend themselves or others from serious bodily harm, death, or rape. It runs contrary to common sense and notions of justice that a person now faces financial ruin from an attacker or their estate in civil court from legally defending him or herself. In essence, our current situation encourages victims of criminal assaults to be victimized again in civil proceedings by the expense of defending themselves from suits and paying awards to the person(s) that threatened them and encourage violent criminal acts.

Crime is usually unexpected and may strike at or close to home. In February 1998, I moved near Harrisburg as a law clerk fresh out of law school after being admitted to the PA BAR. My fiancée remained in our apartment in Claymont, Delaware, on the PA and DE border near I95, for a few weeks while finishing up a project with the DE Attorney General's Office. While at the apartment one night, she awoken by someone rifling through our moving boxes in the living room. No telephone was in her bedroom and she did not have a cell phone. The telephone was in the living room where the burglar was located. I left her with a WWII era US Army semi-automatic rifle and ammunition. She loaded the rifle, which is noisy, and yelled that she had a gun to the intruder. The intruder promptly left the apartment and after a period of time she was able to calm down enough to go into the living room and call 911. I am so glad that no harm came to either her or the intruder.

In 2007, my neighbor Ray Diener (62) of Elizabethtown, PA was murdered on his front yard 13 houses over from me. He was randomly chosen by young persons interested in taking his cell phone and lacking any respect for the lives of others. Thankfully, his wife was able to shut the home's front door to escape them after witnessing her husband's murder. It was shocking to think something so senseless and evil would happen in our sleepy little town. Sadly, these events are on the increase across our Commonwealth (Amish schoolhouse last year/4 Pittsburgh cops killed last Spring) and throughout the nation's "gun free zones" (Columbine H.S./many shopping malls/Virginia Tech/Binghamton NY Immigration office/Ft. Hood).

HB 40 should be put up for committee vote based upon its widespread support in the House and by the citizens of the Commonwealth. I hope that you amend the bill's language to emphasize that the civil immunity it provides only applies to legal applications of force, which excludes situations lacking a current threat.

Thank you for your consideration.
Sincerely,
Andrew P. Maloney, Esq.