

‘Spring’ Guns to Protect Property

We have all heard of the cases where one sets a ‘spring’ rifle, pointed at a particular location of entry within a residence or private structure, to ‘ambush’ the trespasser who attempted to burglarize the property. A few of these cases have resulted in the trespasser being wounded, yet not killed, by the rifle. Such burglars have successfully sued property owners for their damages. Some of these cases (even those resulting in the burglar’s death) have resulted in the property owner being charged with murder, attempted murder, or aggravated battery.

This doesn’t make sense, right? Why can’t one protect his or her private property in absence of it?

The Supreme Court has held that property can never be protected with deadly force because life is more important. However...remember that the Defendant would never have been shot had he not trespassed in the first place.

Physical force is allowed to defend property if-

1. The intrusion isn’t privileged (there is no consent to enter the property);
2. One *reasonably believes* force is necessary to prevent or terminate the intrusion; and
3. One demands that the intruder desist before one uses force (this demand is not required if it *reasonably appears* that it would be dangerous or futile).

A property owner may use only as much force as appears to be *reasonably necessary* to protect the property. Mechanical devices, such as traps that seriously injure or kill a burglar, are illegal because they can’t determine the **reasonable amount of force** to be used on the burglar.