

- VEST FIRST RESPONDER -

HELP FOR HEROES

MARYLAND

Self-Defense Law Reference Guide

*Duty to Retreat (Common Law) | Castle Doctrine (Dwelling Only) | Self-Defense | First Responder
Protections | PS Art. 3-524 Chokehold Prohibition*

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

Intended exclusively for VEST Certified Trainers. Not a substitute for legal counsel.

IMPORTANT: MARYLAND HAS A DUTY TO RETREAT IN PUBLIC (COMMON LAW)

Maryland does NOT have a Stand Your Ground law. Outside the home, Maryland's common law imposes a duty to retreat before using deadly force when retreat is possible without increasing danger. Maryland's Castle Doctrine applies only to the home - NOT to vehicles or workplaces. Maryland's entire self-defense framework is built on common law principles rather than a single self-defense statute. Maryland also has a statutory chokehold restriction under Public Safety Article S. 3-524 (enacted 2021).

Unlike most other states in this series, Maryland does NOT have a comprehensive self-defense statute. Maryland's self-defense law is governed by common law principles developed through case law. The key common law rules are: (1) a duty to retreat in public before using deadly force when safe retreat is possible; (2) no duty to retreat inside the home (Castle Doctrine); (3) reasonable belief that force was necessary; (4) proportionality of force to threat. Because Maryland's law is common law-based, jury instructions (MPJI-Cr 5:01 through 5:10) are particularly important in understanding how courts apply these principles.

LEGAL SOURCE	SUBJECT MATTER
Common Law (Sydnor v. State, 365 Md. 219)	Duty to Retreat in Public - Safe Retreat Required
Common Law (Crawford v. State, 231 Md. 354)	Castle Doctrine - No Retreat in Dwelling
Md. Code, Crim. Law S. 3-203(c)	Assault 2nd Degree - Felony When Victim Is Firefighter, EMT, or First Responder
Md. Code, Crim. Law S. 3-202	Assault 1st Degree - Up to 25 Years
Md. Code, Public Safety Art. S. 3-524	Chokehold and Neck Restraint Prohibition (HB 670, 2021)
Md. Code, Public Safety Art. S. 3-203	Police Training and Standards Commission - Certification Revocation Authority
MPJI-Cr 5:01 - 5:10	Maryland Pattern Jury Instructions - Self-Defense Framework

PART I: THE MARYLAND SELF-DEFENSE FRAMEWORK

Common Law Self-Defense Standard

Maryland's self-defense law does not derive from a single statute but from centuries of common law developed through case decisions. The core elements of Maryland self-defense are: (1) the defendant actually believed they were in immediate danger of death or serious bodily harm; (2) that belief was reasonable under the circumstances; (3) the force used was not more than was reasonably necessary; and (4) the defendant was not the initial aggressor. Courts apply both a subjective element (did the defendant actually believe danger was imminent?) and an objective element (was that belief reasonable?).

Duty to Retreat in Public (Common Law)

"Included in the doctrine of self-defense is a duty to retreat, that is, a duty by the individual claiming self-defense to retreat and escape the danger if it was in his/her power to do so and was consistent with maintaining his/her safety." - Sydnor v. State, 365 Md. at 216

Maryland's common law imposes a duty to retreat in public before using deadly force when retreat is possible without increasing danger. Importantly, Maryland does NOT require retreat if doing so would increase the danger - the duty to retreat only applies when retreat can be accomplished safely. This is analogous to, but not identical to, the 'complete safety' standard used in Nebraska, Alaska, Connecticut, and Delaware.

MARYLAND'S RETREAT STANDARD:

- Must retreat if possible without increasing danger to yourself.
- No retreat required if retreat would increase your own risk.
- No retreat required if retreat is not possible.
- No retreat inside the home (Castle Doctrine - see below).
- Non-deadly force: retreat requirements may be less stringent than for deadly force.

Castle Doctrine - No Retreat in the Dwelling (Common Law)

"A man faced with the danger of an attack upon his/her dwelling need not retreat from his/her home to escape the danger, but instead may stand their ground and, if necessary to repel the attack, may kill the attacker." - Crawford v. State, 231 Md. 354 (1963)

Maryland's Castle Doctrine derives from common law case decisions rather than statute. The principle: inside your own home, you have no duty to retreat before using deadly force against an unlawful attacker. The Castle Doctrine is the primary exception to Maryland's general duty-to-retreat rule. However, it is important to note that Maryland's Castle Doctrine applies ONLY to the dwelling - NOT to vehicles, workplaces, or other locations.

CRITICAL LIMITATION - DWELLING ONLY:

Maryland's Castle Doctrine does NOT extend to vehicles or workplaces. A Maryland EMS provider attacked inside their ambulance or at their fire station in public does NOT benefit from any Castle Doctrine protection - the retreat obligation in public applies. This is the most restrictive Castle Doctrine framework in this six-state batch. Only Connecticut and Delaware (with their workplace extension) provide more first-responder-friendly Castle Doctrine frameworks in the duty-to-retreat category. Maryland's lack of a vehicle or workplace extension is a critical distinction for VEST curriculum.

PART II: DUTY TO RETREAT - MARYLAND'S POSITION

Maryland imposes a duty to retreat in public before using deadly force when retreat is possible without increasing danger. The retreat duty applies at any location that is not the defender's dwelling.

- PUBLIC SPACES: Retreat required if possible without increasing danger.
- DWELLING: No duty to retreat - common law Castle Doctrine.
- VEHICLE/WORKPLACE: No specific statutory exception - retreat obligation applies.
- Exception: If retreat would increase risk, or if retreat is not possible, force may be used.
- Non-deadly force: may have a reduced retreat obligation compared to deadly force.

- Maryland is one of only a handful of states where the ENTIRE self-defense framework is common law rather than statutory.

PRACTICAL IMPACT FOR FIRST RESPONDERS:

Maryland EMS and fire providers in public spaces face the most operationally significant duty-to-retreat requirement in this batch. A provider at a roadway scene, in their ambulance in a parking lot, or at a hospital entrance who needs to use deadly force must establish that retreat was not possible without increasing danger. VEST Level I situational awareness training is therefore especially critical for Maryland providers - every documented pre-incident threat indicator, every blocked exit route, every factor that made safe retreat impossible is legally significant.

PART III: FIRST RESPONDER ASSAULT - ENHANCED CRIMINAL PROTECTIONS

Md. Code, Crim. Law S. 3-203(c) - Assault 2nd Degree on Firefighter, EMT, or First Responder

"A person may not intentionally cause physical injury to another if the person knows or has reason to know that the other is: (iii) a firefighter, an emergency medical technician, a rescue squad member, or any other first responder engaged in providing emergency medical care or rescue services. A person who violates [this] is guilty of the felony of assault in the second degree and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding \$5,000 or both." - Md. Code, Crim. Law S. 3-203(c)(2)(iii), (3)

This is a significant protection: standard assault in the second degree is a MISDEMEANOR in Maryland (up to 10 years, but misdemeanor classification). When the victim is a firefighter, EMT, rescue squad member, or other first responder engaged in emergency medical care or rescue services, the SAME offense becomes a FELONY - with an increased fine of up to \$5,000. This conversion from misdemeanor to felony has important practical consequences for prosecution, sentencing enhancement, and lifetime consequences for the attacker.

- Misdemeanor assault becomes FELONY assault when victim is firefighter, EMT, or first responder on duty.
- Penalty: up to 10 years imprisonment and \$5,000 fine (vs. \$2,500 for standard second-degree assault).
- 'Knows or has reason to know' - uniform, marked vehicle, or visible EMS/fire identification satisfies this standard.
- Covers firefighters, EMTs, rescue squad members, and 'any other first responder engaged in providing emergency medical care or rescue services' - broad coverage including volunteer EMS.

TRAINER EMPHASIS:

Maryland's conversion of second-degree assault from misdemeanor to felony when the victim is an on-duty first responder is operationally significant. The same physical act - one that would carry only a fine for a misdemeanor conviction against a civilian - becomes a felony with up to 10 years in prison when directed at a Maryland EMS provider or firefighter. VEST trainers should communicate this legal reality clearly.

PART IV: POLICE USE OF FORCE - PS ART. 3-524 CHOKEHOLD PROHIBITION (2021)

Maryland Public Safety Art. S. 3-524 - Chokehold and Neck Restraint Prohibition (HB 670, 2021)

Maryland enacted HB 670 (Maryland Police Accountability Act of 2021) - one of the most comprehensive police reform packages in the state's history. A key provision, codified at Public Safety Article S. 3-524, prohibits the use of chokeholds, neck restraints, or any other type of restraint that restricts blood flow or breath. Governor Hogan vetoed HB 670, but the Maryland legislature overrode the veto on April 10, 2021, making Maryland the first state to repeal its Law Enforcement Officers' Bill of Rights (LEOBR).

"Section 3-524 prohibits the use of a chokehold, neck restraint, or any other type of restraint that restricts blood flow or breath on another person by police officers." - HB 670, Maryland Police Accountability Act of 2021

KEY PROVISIONS OF MARYLAND'S CHOKEHOLD PROHIBITION:

- Covers chokeholds (respiratory restriction), neck restraints, AND any other restraint that restricts blood flow or breath - among the broadest definitional coverage of any state.
- Applies to all Maryland law enforcement officers statewide.
- Provides for penalties for officers who knowingly or recklessly violate this provision.
- Grants the Maryland Police Training and Standards Commission (MPTSC) authority to revoke certification of officers who violate the prohibition.
- Part of a broader reform that repealed LEOBR - making Maryland the first state to eliminate the Law Enforcement Officers' Bill of Rights.

MARYLAND COMPARED TO OTHER STATES IN THIS SERIES:

- Maryland: Broad prohibition on chokeholds, neck restraints, AND any blood/breath-restricting restraint - comprehensive coverage with certification revocation authority.
- Colorado: Complete ban, no exceptions, no life-safety carve-out.
- Delaware: Class D/C Felony for unauthorized use - criminal enforcement.
- Louisiana: Prohibited except for great bodily harm risk or deadly force authorized.
- Kansas, Kentucky, Maine: No statewide statutory ban.

FIRST RESPONDERS VS. LAW ENFORCEMENT:

Maryland's Public Safety Art. S. 3-524 applies ONLY to law enforcement officers. Maryland EMS and fire personnel acting in personal self-defense are evaluated under the common law self-defense framework. There is no statutory restriction on civilian Maryland first responders using any defensive technique in genuine life-safety self-defense.

PART V: APPLYING VEST PRINCIPLES UNDER MARYLAND LAW

1. Situational Awareness Is Your Most Important Legal Tool in Maryland

Because Maryland imposes a duty to retreat in public before using deadly force - and because the retreat standard is whether retreat was possible WITHOUT INCREASING DANGER - every factor that made safe retreat unavailable is a legal asset. VEST Level I situational awareness training prepares providers to observe, remember, and document why safe retreat was not possible at the moment force became necessary.

2. Non-Deadly Force Has a Reduced Retreat Burden

Maryland's retreat obligation is most clearly articulated for DEADLY force. Non-deadly defensive responses may carry a reduced or eliminated retreat burden. VEST Level I and II training in non-deadly defensive techniques provides Maryland first responders with legally sound options that do not trigger the full public-space retreat analysis.

3. The Entire Framework Is Common Law - Documentation Creates Your Record

Maryland has no single self-defense statute. Your defense depends entirely on the common law elements as evaluated by the jury. Documentation - PCR narratives, incident reports, partner statements, dispatch logs, body cam footage - creates the evidentiary record that allows the jury to evaluate whether your belief was reasonable, your force was proportionate, and retreat was not safely available.

4. Maryland's Chokehold Ban Requires Joint Training Address

Maryland's comprehensive PS Art. S. 3-524 prohibition covers chokeholds, neck restraints, and ANY restraint restricting blood flow or breath. When VEST delivers joint agency training with Maryland law enforcement, this broad prohibition must be explicitly addressed - it covers more techniques than most other states' statutes. Civilian first responders are not bound by this prohibition in personal self-defense.

5. Partner Defense - Same Common Law Standards Apply

Maryland common law extends self-defense authority to defense of others under the same reasonableness and proportionality requirements. VEST Level III partner defense training is directly supported by this authority.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Maryland Criminal Law Article; Public Safety Article S. 3-524; Maryland Common Law (Sydnor v. State, Crawford v. State) are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies.

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