Vermont Law: Arson, Home Break-Ins, and Self-Defense

Purpose. This document summarizes selected Vermont statutes concerning arson, burglary, trespass, and the use of deadly force in defense of a person. It is general legal information, not legal advice. The current statutory text and the facts of an incident matter.

1. Arson and Burning

Vermont law criminalizes arson and attempted arson. Under 13 V.S.A. § 502, willfully and maliciously setting fire to or burning a dwelling house, whether occupied or unoccupied, can constitute first-degree arson. Sections 503–505 address other forms of arson and attempts. The specific offense depends on the property involved and the conduct alleged.

Unlike Maine and New Hampshire, Vermont's statutes do not contain the same express provision authorizing deadly force specifically to prevent attempted arson as part of a defense-of-premises statute. Whether force is legally justified must be assessed under Vermont's laws on defense of a person and any applicable common-law principles. A person should not assume that setting fire to property automatically makes shooting the person lawful.

2. Home Break-Ins and Burglary

Under 13 V.S.A. § 1201, burglary generally involves entering a building or structure without license or privilege, with intent to commit a specified crime, including a felony, petit larceny, simple assault, or unlawful mischief. The statute provides enhanced penalties for burglary into an occupied dwelling, whether or not someone is physically present at the time.

Unlawful entry into a dwelling is also addressed by Vermont's trespass law, 13 V.S.A. § 3705(e), which criminalizes knowingly entering a dwelling house without legal authority or consent.

3. When Deadly Force May Be Justified

Vermont's statute on justifiable homicide, 13 V.S.A. § 2305, states that a person may be guiltless when killing or wounding another in the just and necessary defense of their own life or the life of another person.

Section 2305 also addresses circumstances in which a person reasonably believes that they or another person are in imminent peril and that deadly force is necessary to repel that peril in the forceful or violent suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery.

The law is fact-specific. A break-in alone does not automatically authorize deadly force. Whether a particular use of force is justified depends on the immediate threat, what was reasonably apparent at the time, the statutory language, and any applicable common-law defenses. Deadly force should not be used merely to punish an offender, protect property in ordinary circumstances, or stop a person from fleeing.

4. Practical Safety Guidance

- If someone is setting fire to your home or breaking in, prioritize getting yourself and others to safety and call 911.
- Avoid confronting the person if you can safely escape or secure yourself away from the danger.
- Do not assume that a protest, trespass, property damage, or suspected crime automatically justifies deadly force.
- For advice about a specific incident, consult a Vermont attorney. The exact facts and current law can materially affect the legal analysis.

5. Official Vermont Statutory Sources

- **13 V.S.A. § 2305 — Justifiable homicide:** https://legislature.vermont.gov/statutes/section/13/053/02305
- **13 V.S.A. § 502 — First-degree arson:** https://legislature.vermont.gov/statutes/section/13/011/00502
- **13 V.S.A. Chapter 11 — Arson and burning (including §§ 501–509):** https://legislature.vermont.gov/statutes/fullchapter/13/011
- **13 V.S.A. § 1201 — Burglary:** https://legislature.vermont.gov/statutes/fullchapter/13/023
- **13 V.S.A. § 3705 — Unlawful trespass:** https://legislature.vt.gov/statutes/section/13/081/03705

Important note: This summary is not a substitute for reading the current statutes or obtaining advice from a qualified Vermont attorney. It does not create a right to use force. If there is an immediate emergency, call 911.