

HCS SCS SBs 661, 726 & 741 -- GOVERNMENT OFFICIALS

SPONSOR: Dixon (Jones)

COMMITTEE ACTION: Voted "Do Pass with Amendments" by the Standing Committee on Emerging Issues by a vote of 7 to 0. Voted "Do Pass" by the Select Committee on General Laws by a vote of 5 to 0.

Currently, the use of physical force when making an arrest is not justified unless the arrest is lawful or the officer reasonably believes the arrest is lawful. This bill adds a provision stating that the use of force when making an arrest is also not justified unless the amount of force used was objectively reasonable in light of the totality of the facts and circumstances confronting the officer, regardless of the officer's intent or motivation.

Currently, a law enforcement officer may use deadly force when he or she reasonably believes the force is immediately necessary to effect an arrest and reasonably believes the suspect has committed or attempted to commit a felony, is attempting to escape by use of a deadly weapon, or may otherwise endanger life or seriously injure another person.

This bill allows a law enforcement officer to use deadly force when effecting an arrest or preventing an escape from custody if the officer reasonably believes the force is immediately necessary to make the arrest or prevent the escape and reasonably believes the person has committed or attempted to commit a felony involving the infliction or threatened infliction of serious physical injury, is attempting to escape by use of a deadly weapon, or may otherwise pose a threat of serious physical injury to the officer or others unless arrested without delay.

This bill contains an emergency clause.

This bill is the same as SB 741 (2016) and the perfected version of SS SCS SBs 199, 417, & 42 (2015).

PROPOSERS: Supporters say that this bill ensures that state constitutional violations can be remedied in state court.

Testifying for the bill was Senator Dixon.

OPPOSERS: There was no opposition voiced to the committee.