

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 122, Page 2, Section 563.031, Line 42, by
2 inserting after all of said line the following:

3
4 *"563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the
5 arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes
6 to have committed an offense because of resistance or threatened resistance of the arrestee. In
7 addition to the use of physical force authorized under other sections of this chapter, a law
8 enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such
9 physical force as he or she reasonably believes is immediately necessary to effect the arrest or to
10 prevent the escape from custody.

11 2. The use of any physical force in making an arrest is not justified under this section unless
12 the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

13 3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is
14 justified in using deadly force only:

15 (1) When deadly force is authorized under other sections of this chapter; or

16 (2) When he or she reasonably believes that such use of deadly force is immediately
17 necessary to effect the arrest and also reasonably believes that the person to be arrested:

18 (a) Has committed or attempted to commit a felony and may otherwise endanger life or
19 inflict serious physical injury unless arrested without delay; or

20 (b) Is attempting to escape by use of a deadly weapon[; or

21 (c) May otherwise endanger life or inflict serious physical injury unless arrested without
22 delay].

23 4. The defendant shall have the burden of injecting the issue of justification under this
24 section.

25 563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the
26 arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have
27 committed an offense because of resistance or threatened resistance of the arrestee. In addition to the
28 use of physical force authorized under other sections of this chapter, he is, subject to the provisions
29 of subsections 2 and 3, justified in the use of such physical force as he reasonably believes is
30 immediately necessary to effect the arrest or to prevent the escape from custody.

31 2. The use of any physical force in making an arrest is not justified under this section unless
32 the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

33 3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is
34 justified in using deadly force only:

35 (1) When such is authorized under other sections of this chapter; or

36 (2) When he reasonably believes that such use of deadly force is immediately necessary to

Action Taken _____ Date _____

Action Taken _____ Date _____

1 effect the arrest and also reasonably believes that the person to be arrested

2 (a) Has committed or attempted to commit a felony and may otherwise endanger life or
3 inflict serious physical injury unless arrested without delay; or

4 (b) Is attempting to escape by use of a deadly weapon[; or

5 (c) May otherwise endanger life or inflict serious physical injury unless arrested without
6 delay].

7 4. The defendant shall have the burden of injecting the issue of justification under this
8 section."

9
10 Further amend said bill by amending the title, enacting clause, and intersectional references
11 accordingly.
12