

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 of this section, justified in the  
9 use of such physical force as he or she reasonably believes is immediately necessary to effect the  
10 arrest or to 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] all other reasonable means of apprehension have been  
18 exhausted or are unavailable, the officer has given notice of the officer's identity as such and a  
19 warning that deadly force may be used unless resistance or flight ceases, and the officer reasonably  
20 believes that the person to be arrested[:

21 (a) Has committed or attempted to commit a felony; or

22 (b)] is attempting to escape [by use of] and possesses a deadly weapon[; or

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

25 4. The defendant shall have the burden of injecting the issue of justification under this  
26 section.

27 5. When a law enforcement officer uses deadly force against an unarmed person, who is at a  
28 distance of twenty feet or greater from the officer, thereby posing no imminent danger to the officer,  
29 the officer shall be immediately suspended and removed from duty, without pay, until a full  
30 investigation of the incident has been completed.

31 563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the  
32 arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have  
33 committed an offense because of resistance or threatened resistance of the arrestee. In addition to the  
34 use of physical force authorized under other sections of this chapter, he is, subject to the provisions  
35 of subsections 2 and 3 of this section, justified in the use of such physical force as he reasonably  
36 believes is immediately necessary to effect the arrest or to prevent the escape from custody.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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

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4 justified in using deadly force only

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

6           (2) When [he reasonably believes that such use of deadly force is immediately necessary to  
7 effect the arrest and also] all other reasonable means of apprehension have been exhausted or are  
8 unavailable, the officer has given notice of the officer's identity as such and a warning that deadly  
9 force may be used unless resistance or flight ceases, and the officer reasonably believes that the  
10 person to be arrested

11           [(a) Has committed or attempted to commit a felony; or

12           (b)] is attempting to escape [by use of] and possesses a deadly weapon; or

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

15           4. The defendant shall have the burden of injecting the issue of justification under this  
16 section.

17           5. When a law enforcement officer uses deadly force against an unarmed person, who is at a  
18 distance of twenty feet or greater from the officer, thereby posing no imminent danger to the officer,  
19 the officer shall be immediately suspended and removed from duty, without pay, until a full  
20 investigation of the incident has been completed."; and

21  
22 Further amend said bill, Page 10, Section 571.111, Line 105, by inserting after all of said line the  
23 following:

24  
25           "650.467. 1. There is hereby established in the department of public safety a "Task Force On  
26 The Use Of Force By A Law Enforcement Officer". The task force shall focus its efforts clarifying  
27 the use of force allowed by law enforcement officers, under section 563.046, in a county with a  
28 charter form of government and with more than nine hundred fifty thousand inhabitants.

29           2. The task force shall have a membership of nine persons appointed by the director of  
30 public safety. Membership may include, but not be limited to, the following:

31           (1) A person from the POST commission;

32           (2) A former sheriff, chief of police, deputy sheriff, or deputy chief of police;

33           (3) An assistant attorney general;

34           (4) A retired judge;

35           (5) A licensed attorney with experience in criminal defense who is in no way involved in  
36 prosecuting crimes; and

37           (6) A former prosecuting attorney or assistant prosecuting attorney who served in that  
38 capacity for at least ten years.

39           3. The director of the department of public safety or the director's designee shall convene the  
40 first meeting of the task force for the purpose of establishing the bylaws of the task force and  
41 electing officers to include a chairperson, vice chairperson, and secretary. The task force shall not  
42 meet more than four times annually. Members may be reimbursed for expenses but shall not receive  
43 a per-diem allowance."; and

44  
45  
46 Further amend said bill by amending the title, enacting clause, and intersectional references  
47 accordingly.