

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for House Bill No. 1904, Page 1, in the title, Lines 4 and 5,
2 by deleting the phrase "emergency communications service" on said lines and inserting in lieu
3 thereof the phrase "public safety"; and

4
5 Further amend said bill, Page 21, Section 210.1013, Line 40, by inserting after all of said section
6 and line the following:

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

15 2. The use of any physical force in making an arrest is not justified under this section unless
16 the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful. 3.
17 A law enforcement officer in effecting an arrest or in preventing an escape from custody is justified
18 in using deadly force only:

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

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

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

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

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

29 4. The defendant shall have the burden of injecting the issue of justification under this
30 section.

31 5. When a law enforcement officer uses deadly force against an unarmed person, who is at a

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1 distance of twenty feet or greater from the officer, thereby posing no imminent danger to the officer,
 2 the officer shall be immediately suspended and removed from duty, without pay, until a full
 3 investigation of the incident has been completed.

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 5 arrest, or from efforts to prevent the escape from custody, of a person he reasonably believes to have
 6 committed an offense because of resistance or threatened resistance of the arrestee. In addition to
 7 the use of physical force authorized under other sections of this chapter, he is, subject to the
 8 provisions of subsections 2 and 3 of this section, justified in the use of such physical force as he
 9 reasonably believes is immediately necessary to effect the arrest or to prevent the escape from
 10 custody.

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

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 24 delay].

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 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."; and

31
 32 Further amend said bill, Page 28, Section 650.340, Line 30, by inserting after all of said section and
 33 line the following:

34
 35 "650.467. 1. There is hereby established in the department of public safety a "Task Force
 36 On The Use Of Force By A Law Enforcement Officer". The task force shall focus its efforts on
 37 clarifying the use of force allowed by law enforcement officers, under section 563.046, in a county
 38 with a charter form of government and with more than nine hundred fifty thousand inhabitants.

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

41 (1) A person from the POST commission;

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

2 (3) An assistant attorney general;

3 (4) A retired judge;

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

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

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

13
14 Further amend said bill by amending the title, enacting clause, and intersectional references
15 accordingly.