

By Senator Webster

12-1333B-99

1 A bill to be entitled
2 An act relating to the use of force by law
3 enforcement officers or correctional officers;
4 amending s. 776.06, F.S.; providing that the
5 term "deadly force" does not include the
6 discharge of a firearm during and within the
7 scope of his or her official duties which is
8 loaded with a less-lethal munition; defining
9 the term "less-lethal munition"; providing that
10 a law enforcement officer or correctional
11 officer is not civilly or criminally liable for
12 the good-faith use of any less-lethal munition;
13 providing an effective date.

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15 Be It Enacted by the Legislature of the State of Florida:

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17 Section 1. Section 776.06, Florida Statutes, is
18 amended to read:

19 776.06 Deadly force.--

20 (1) The term "deadly force" means force that ~~which~~ is
21 likely to cause death or great bodily harm and includes, but
22 is not limited to:

23 (a)(1) The firing of a firearm in the direction of the
24 person to be arrested, even though no intent exists to kill or
25 inflict great bodily harm; and

26 (b)(2) The firing of a firearm at a vehicle in which
27 the person to be arrested is riding.

28 (2)(a) The term "deadly force" does not include the
29 discharge of a firearm by a law enforcement officer or
30 correctional officer during and within the scope of his or her
31 official duties which is loaded with a less-lethal munition.

1 As used in this subsection the term "less-lethal munition"
2 means a projectile that is designed to stun, temporarily
3 incapacitate, or cause temporary discomfort to a person
4 without penetrating the person's body.

5 (b) A law enforcement officer, a correctional officer,
6 or an employer of a law enforcement officer or correctional
7 officer is not liable in any civil or criminal action arising
8 out of the use of any less-lethal munition in good faith
9 during and within the scope of his or her official duties.

10 Section 2. This act shall take effect July 1, 1999.

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13 SENATE SUMMARY

14 Provides that the term "deadly force" does not include
15 the discharge of a firearm by a law enforcement officer
16 or correctional officer during and within the scope of
17 his or her official duties if the firearm is loaded with
18 a less-lethal munition. Defines the term "less-lethal
19 munition" to mean a projectile designed to stun,
20 temporarily incapacitate, or cause temporary discomfort
21 without penetrating a person's body. Provides that a law
22 enforcement officer or correctional officer is not
23 civilly or criminally liable for the good-faith use of
24 less-lethal munitions.
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