By Senator Wilson

33-303-07 See HB 371

A bill to be entitled 1 2 An act relating to use of deadly force; amending s. 776.013, F.S.; requiring an overt 3 4 act to support a belief that the use of deadly 5 force for specified purposes is necessary; 6 defining the term "unlawful activity" for 7 specified purposes; amending s. 776.032, F.S.; providing that immunity from civil and criminal 8 liability for certain uses of deadly force does 9 10 not apply to injuries to children and bystanders who are not affiliated with the 11 12 overt act; providing an effective date. 13 Be It Enacted by the Legislature of the State of Florida: 14 15 Section 1. Subsection (3) of section 776.013, Florida 16 Statutes, is amended, and paragraph (d) is added to subsection (5) of that section, to read: 18 776.013 Home protection; use of deadly force; 19 presumption of fear of death or great bodily harm .--20 21 (3) A person who is not engaged in an unlawful 22 activity and who is attacked in any other place where he or 23 she has a right to be has no duty to retreat and has the right to stand his or her ground and meet force with force, 2.4 including deadly force if he or she reasonably believes <u>due to</u> 25 an overt act that it is necessary to do so to prevent death or 26 27 great bodily harm to himself or herself or another or to prevent the commission of a forcible felony. 29 (5) As used in this section, the term: (d) "Unlawful activity" means activity undertaken by a 30 person which is prohibited by the laws of this state.

Section 2. Subsection (1) of section 776.032, Florida 2 Statutes, is amended to read: 3 776.032 Immunity from criminal prosecution and civil 4 action for justifiable use of force. --5 (1) A person who uses force as permitted in s. 6 776.012, s. 776.013, or s. 776.031 is justified in using such 7 force and is immune from criminal prosecution and civil action for the use of such force; however, such immunity does not 8 apply to injuries to children and bystanders who are not 9 10 affiliated with the overt act. Immunity will be granted, unless the person against whom force was used is a law 11 12 enforcement officer, as defined in s. 943.10(14), who was 13 acting in the performance of his or her official duties and the officer identified himself or herself in accordance with 14 any applicable law or the person using force knew or 15 reasonably should have known that the person was a law 16 enforcement officer. As used in this subsection, the term "criminal prosecution" includes arresting, detaining in 18 custody, and charging or prosecuting the defendant. 19 Section 3. This act shall take effect July 1, 2007. 20 21 22 23 2.4 25 26 27 28 29 30 31