

1                                   A bill to be entitled  
 2           An act relating to use of deadly force; amending s.  
 3           776.013, F.S.; requiring an overt act to support a belief  
 4           that the use of deadly force for specified purposes is  
 5           necessary; amending s. 776.032, F.S.; providing that  
 6           immunity from civil and criminal liability for certain  
 7           uses of deadly force does not apply to injuries to  
 8           children and bystanders who are not affiliated with the  
 9           overt act; providing an effective date.

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

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13           Section 1. Subsection (3) of section 776.013, Florida  
 14 Statutes, is amended to read:

15           776.013 Home protection; use of deadly force; presumption  
 16 of fear of death or great bodily harm.--

17           (3) A person who is not engaged in criminal ~~an unlawful~~  
 18 activity and who is attacked in any other place where he or she  
 19 has a right to be has no duty to retreat and has the right to  
 20 stand his or her ground and meet force with force, including  
 21 deadly force if he or she reasonably believes due to an overt  
 22 act that it is necessary to do so to prevent death or great  
 23 bodily harm to himself or herself or another or to prevent the  
 24 commission of a forcible felony.

25           Section 2. Subsection (1) of section 776.032, Florida  
 26 Statutes, is amended to read:

27           776.032 Immunity from criminal prosecution and civil  
 28 action for justifiable use of force.--

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29           (1) A person who uses force as permitted in s. 776.012, s.  
30 776.013, or s. 776.031 is justified in using such force and is  
31 immune from criminal prosecution and civil action for the use of  
32 such force; however, such immunity shall not apply to injuries  
33 to children and bystanders who are not affiliated with the overt  
34 act. Immunity will be granted, unless the person against whom  
35 force was used is a law enforcement officer, as defined in s.  
36 943.10(14), who was acting in the performance of his or her  
37 official duties and the officer identified himself or herself in  
38 accordance with any applicable law or the person using force  
39 knew or reasonably should have known that the person was a law  
40 enforcement officer. As used in this subsection, the term  
41 "criminal prosecution" includes arresting, detaining in custody,  
42 and charging or prosecuting the defendant.

43           Section 3. This act shall take effect July 1, 2008.