

By Senator Joyner

18-02708-08

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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 act
22 that it is necessary to do so to prevent death or great bodily
23 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 action
28 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 does not apply to injuries to
33 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 knew
39 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.