

By Senator Bullard

39-00531-13

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

12  
13 Be It Enacted by the Legislature of the State of Florida:

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15           Section 1. Subsection (3) of section 776.013, Florida  
16           Statutes, is amended, present paragraph (c) of subsection (5) of  
17           that section is redesignated as paragraph (d), and a new  
18           paragraph (c) is added to that subsection, to read:

19           776.013 Home protection; use of deadly force; presumption  
20           of fear of death or great bodily harm.—

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

29           (5) As used in this section, the term:

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30           (c) "Unlawful activity" means activity undertaken by a  
31 person which is prohibited by the laws of this state.

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

34           776.032 Immunity from criminal prosecution and civil action  
35 for justifiable use of force.—

36           (1) A person who uses force as permitted in s. 776.012, s.  
37 776.013, or s. 776.031 is justified in using such force and is  
38 immune from criminal prosecution and civil action for the use of  
39 such force. However, this immunity does not apply if:

40           (a) A child or a bystander who is not affiliated with the  
41 overt act is injured; or

42           (b) The, ~~unless the~~ person against whom force was used is a  
43 law enforcement officer, as defined in s. 943.10(14), who was  
44 acting in the performance of his or her official duties and the  
45 officer identified himself or herself in accordance with any  
46 applicable law or the person using force knew or reasonably  
47 should have known that the person was a law enforcement officer.

48  
49 As used in this subsection, the term "criminal prosecution"  
50 includes arresting, detaining in custody, and charging or  
51 prosecuting the defendant.

52           Section 3. This act shall take effect July 1, 2013.