

By Senator Simmons

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1 A bill to be entitled
2 An act relating to the use of deadly force; amending
3 ss. 30.60 and 166.0485, F.S.; requiring the county
4 sheriff or municipal police department to issue
5 reasonable guidelines for the operation of
6 neighborhood crime watch programs; providing that the
7 guidelines are subject to reasonable exceptions;
8 amending s. 776.032, F.S.; providing that a person who
9 is justified in using force is immune from criminal
10 prosecution and civil action initiated by the person
11 against whom the force was used; defining the term
12 "criminal prosecution"; clarifying that a law
13 enforcement agency retains the right and duty to fully
14 investigate the use of force upon which an immunity
15 may be claimed; amending s. 776.041, F.S.; providing
16 that any reason, including immunity, used by an
17 aggressor to justify the use of force is not available
18 to the aggressor under specified circumstances;
19 providing an effective date.

20
21 Be It Enacted by the Legislature of the State of Florida:

22
23 Section 1. Section 30.60, Florida Statutes, is amended to
24 read:

25 30.60 Establishment of neighborhood crime watch programs.-

26 (1) A county sheriff or municipal police department may
27 establish neighborhood crime watch programs within the county or
28 municipality. The participants of a neighborhood crime watch
29 program shall include, but need not be limited to, residents of

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30 the county or municipality and owners of businesses located
31 within the county or municipality.

32 (2) The county sheriff or municipal police department shall
33 issue reasonable guidelines for the operation of such programs.
34 The guidelines must include, but are not limited to, prohibiting
35 a neighborhood crime watch patrol participant, while on patrol,
36 from confronting or attempting to apprehend a person suspected
37 of improper or unlawful activity, subject, however, to those
38 circumstances in which a reasonable person would be permitted,
39 authorized, or expected to assist another person.

40 Section 2. Section 166.0485, Florida Statutes, is amended
41 to read:

42 166.0485 Establishment of neighborhood crime watch
43 programs.—

44 (1) A county sheriff or municipal police department may
45 establish neighborhood crime watch programs within the county or
46 municipality. The participants of a neighborhood crime watch
47 program shall include, but need not be limited to, residents of
48 the county or municipality and owners of businesses located
49 within the county or municipality.

50 (2) The county sheriff or municipal police department shall
51 issue reasonable guidelines for the operation of such programs.
52 The guidelines must include, but are not limited to, prohibiting
53 a neighborhood crime watch patrol participant, while on patrol,
54 from confronting or attempting to apprehend a person suspected
55 of improper or unlawful activity, subject, however, to those
56 circumstances in which a reasonable person would be permitted,
57 authorized, or expected to assist another person.

58 Section 3. Subsection (1) of section 776.032, Florida

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59 Statutes, is amended to read:

60 776.032 Immunity from criminal prosecution and civil action
61 for justifiable use of force.—

62 (1) A person who uses force as permitted in s. 776.012, s.
63 776.013, or s. 776.031 is justified in using such force and is
64 immune from criminal prosecution and civil action by the person,
65 personal representative, or heirs of the person, against whom
66 force was used for the use of such force, unless the person
67 against whom force was used is a law enforcement officer, as
68 defined in s. 943.10(14), who was acting in the performance of
69 his or her official duties and the officer identified himself or
70 herself in accordance with any applicable law or the person
71 using force knew or reasonably should have known that the person
72 was a law enforcement officer. As used in this subsection, the
73 term "criminal prosecution" includes, with probable cause,
74 arresting or detaining in custody or ~~arresting, detaining in~~
75 ~~eustody,~~ and charging or prosecuting the defendant. This
76 subsection does not restrict a law enforcement agency's right
77 and duty to fully and completely investigate the use of force
78 upon which an immunity may be claimed or any event surrounding
79 such use of force.

80 Section 4. Section 776.041, Florida Statutes, is amended to
81 read:

82 776.041 Use of force by aggressor.—The justification
83 described in the preceding sections of this chapter, including,
84 but not limited to, the immunity provided for in s. 776.032, is
85 not available to a person who:

86 (1) Is attempting to commit, committing, or escaping after
87 the commission of, a forcible felony; or

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88 (2) Initially provokes the use of force against himself or
89 herself, unless:

90 (a) Such force is so great that the person reasonably
91 believes that he or she is in imminent danger of death or great
92 bodily harm and that he or she has exhausted every reasonable
93 means to escape such danger other than the use of force which is
94 likely to cause death or great bodily harm to the assailant; or

95 (b) In good faith, the person withdraws from physical
96 contact with the assailant and indicates clearly to the
97 assailant that he or she desires to withdraw and terminate the
98 use of force, but the assailant continues or resumes the use of
99 force.

100 Section 5. This act shall take effect October 1, 2013.