

By Senator Bullard

39-00134-14

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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.; limiting the application of the
4 stand your ground law to instances in which the
5 attacker commits an overt act that leads the person
6 who is attacked to believe that it is necessary to
7 meet force with force; amending s. 776.032, F.S.;
8 providing that immunity from civil and criminal
9 liability for certain uses of deadly force does not
10 apply if the person injures a child or bystander who
11 is not affiliated with the overt act; providing an
12 effective date.

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

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

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

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

39-00134-14

2014270__

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

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

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

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

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

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

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

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

53 Section 3. This act shall take effect July 1, 2014.