



336248

LEGISLATIVE ACTION

Senate

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House

Senator Smith moved the following:

Senate Amendment (with title amendment)

Between lines 41 and 42

insert:

Section 2. Subsection (2) of section 776.041, Florida Statutes, is amended to read:

776.041 Use of force by aggressor.—The justification described in the preceding sections of this chapter is not available to a person who:

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



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

17 (b) In good faith, the person withdraws from physical
18 contact with the assailant and indicates clearly to the
19 assailant that he or she desires to withdraw and terminate the
20 use of force, but the assailant continues or resumes the use of
21 force.

22
23 For purposes of this subsection, provocation must include the
24 use of force or threat of force.

25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete line 3

29 and insert:

30 legislative intent; amending s. 776.041, F.S.;
31 providing that provocation must include the use of
32 force or the threat of force; amending s. 790.115,
33 F.S.;