

HB 4011

2016

1 A bill to be entitled
2 An act relating to the use of force; amending ss.
3 776.012, 776.013, and 776.031, F.S.; deleting
4 provisions specifying that a person has no duty to
5 retreat and has the right to stand his or her ground
6 and meet force with force in certain circumstances;
7 providing an effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10
11 Section 1. Section 776.012, Florida Statutes, is amended
12 to read:

13 776.012 Use or threatened use of force in defense of
14 person.—

15 (1) A person is justified in using or threatening to use
16 force, except deadly force, against another when and to the
17 extent that the person reasonably believes that such conduct is
18 necessary to defend himself or herself or another against the
19 other's imminent use of unlawful force. ~~A person who uses or~~
20 ~~threatens to use force in accordance with this subsection does~~
21 ~~not have a duty to retreat before using or threatening to use~~
22 ~~such force.~~

23 (2) A person is justified in using or threatening to use
24 deadly force if he or she reasonably believes that using or
25 threatening to use such force is necessary to prevent imminent
26 death or great bodily harm to himself or herself or another or

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27 | to prevent the imminent commission of a forcible felony. A
28 | ~~person who uses or threatens to use deadly force in accordance~~
29 | ~~with this subsection does not have a duty to retreat and has the~~
30 | ~~right to stand his or her ground if the person using or~~
31 | ~~threatening to use the deadly force is not engaged in a criminal~~
32 | ~~activity and is in a place where he or she has a right to be.~~

33 | Section 2. Subsection (3) of section 776.013, Florida
34 | Statutes, is amended to read:

35 | 776.013 Home protection; use or threatened use of deadly
36 | force; presumption of fear of death or great bodily harm.—

37 | ~~(3) A person who is attacked in his or her dwelling,~~
38 | ~~residence, or vehicle has no duty to retreat and has the right~~
39 | ~~to stand his or her ground and use or threaten to use force,~~
40 | ~~including deadly force, if he or she uses or threatens to use~~
41 | ~~force in accordance with s. 776.012(1) or (2) or s. 776.031(1)~~
42 | ~~or (2).~~

43 | Section 3. Section 776.031, Florida Statutes, is amended
44 | to read:

45 | 776.031 Use or threatened use of force in defense of
46 | property.—

47 | (1) A person is justified in using or threatening to use
48 | force, except deadly force, against another when and to the
49 | extent that the person reasonably believes that such conduct is
50 | necessary to prevent or terminate the other's trespass on, or
51 | other tortious or criminal interference with, either real
52 | property other than a dwelling or personal property, lawfully in

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53 his or her possession or in the possession of another who is a
54 member of his or her immediate family or household or of a
55 person whose property he or she has a legal duty to protect. ~~A~~
56 ~~person who uses or threatens to use force in accordance with~~
57 ~~this subsection does not have a duty to retreat before using or~~
58 ~~threatening to use such force.~~

59 (2) A person is justified in using or threatening to use
60 deadly force only if he or she reasonably believes that such
61 conduct is necessary to prevent the imminent commission of a
62 forcible felony. ~~A person who uses or threatens to use deadly~~
63 ~~force in accordance with this subsection does not have a duty to~~
64 ~~retreat and has the right to stand his or her ground if the~~
65 ~~person using or threatening to use the deadly force is not~~
66 ~~engaged in a criminal activity and is in a place where he or she~~
67 ~~has a right to be.~~

68 Section 4. This act shall take effect upon becoming a law.