

20171052e1

1                   A bill to be entitled  
2           An act relating to justifiable use of force; amending  
3           s. 776.013, F.S.; specifying that a person who is in a  
4           dwelling or residence in which he or she has a right  
5           to be has no duty to retreat and has the right to  
6           stand his or her ground under certain circumstances;  
7           reenacting s. 776.032(1), F.S., relating to immunity  
8           from criminal prosecution and civil action for  
9           justifiable use or threatened use of force, to  
10          incorporate the amendment made to s. 776.013, F.S., in  
11          references thereto; providing an 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 to read:

17           776.013 Home protection; use or threatened use of deadly  
18           force; presumption of fear of death or great bodily harm.—

19           (3) A person who is ~~attacked~~ in a his or her dwelling or  
20           residence in which the person has a right to be, ~~or vehicle~~ has  
21           no duty to retreat and has the right to stand his or her ground  
22           by using or threatening ~~and use or threaten~~ to use force,  
23           including deadly force, ~~if he or she~~ reasonably believes that  
24           such conduct is necessary to prevent death or great bodily harm  
25           to himself, herself, or another or to prevent the imminent  
26           commission of a forcible felony ~~uses or threatens to use force~~  
27           ~~in accordance with s. 776.012(1) or (2) or s. 776.031(1) or (2).~~

28           Section 2. For the purpose of incorporating the amendment  
29           made by this act to section 776.013, Florida Statutes, in a

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30 reference thereto, subsection (1) of section 776.032, Florida  
31 Statutes, is reenacted to read:

32 776.032 Immunity from criminal prosecution and civil action  
33 for justifiable use or threatened use of force.—

34 (1) A person who uses or threatens to use force as  
35 permitted in s. 776.012, s. 776.013, or s. 776.031 is justified  
36 in such conduct and is immune from criminal prosecution and  
37 civil action for the use or threatened use of such force by the  
38 person, personal representative, or heirs of the person against  
39 whom the force was used or threatened, unless the person against  
40 whom force was used or threatened is a law enforcement officer,  
41 as defined in s. 943.10(14), who was acting in the performance  
42 of his or her official duties and the officer identified himself  
43 or herself in accordance with any applicable law or the person  
44 using or threatening to use force knew or reasonably should have  
45 known that the person was a law enforcement officer. As used in  
46 this subsection, the term "criminal prosecution" includes  
47 arresting, detaining in custody, and charging or prosecuting the  
48 defendant.

49 Section 3. This act shall take effect July 1, 2017.