

By Senator Rouson

19-00803-21

20211148\_\_

1                   A bill to be entitled  
2           An act relating to the excessive use of force by law  
3           enforcement officers; requiring a law enforcement  
4           officer to intervene when another officer is using or  
5           attempting to use excessive force under certain  
6           circumstances; providing criminal penalties; requiring  
7           a law enforcement officer to render aid to a victim of  
8           excessive force under certain circumstances; requiring  
9           a law enforcement officer to report the use of  
10          excessive force by another officer; providing  
11          penalties; requiring a law enforcement officer to  
12          report the commission of a criminal offense by another  
13          officer while on duty; providing criminal penalties;  
14          providing an effective date.

15  
16 Be It Enacted by the Legislature of the State of Florida:

17  
18           Section 1. Law enforcement officers; duties concerning  
19 excessive force and offenses by other officers.-

20           (1) (a) A law enforcement officer who witnesses another law  
21 enforcement officer, in the performance of his or her official  
22 duties, using or attempting to use excessive force against  
23 another person shall intervene, when such intervention is  
24 objectively reasonable and possible, to end the use or attempted  
25 use of excessive force or to prevent the further use or  
26 attempted use of excessive force.

27           (b) A law enforcement officer who knowingly fails to  
28 intervene in the use or attempted use of nondeadly excessive  
29 force commits a misdemeanor of the second degree, punishable as

19-00803-21

20211148\_\_

30 provided in s. 775.082 or s. 775.083, Florida Statutes.

31 (c)1. Except as provided in subparagraph 2., a law  
32 enforcement officer who knowingly fails to intervene in the use  
33 or attempted use of deadly excessive force commits a felony of  
34 the third degree, punishable as provided in s. 775.082, s.  
35 775.083, or s. 775.084, Florida Statutes.

36 2. A law enforcement officer who knowingly fails to  
37 intervene in the use or attempted use of deadly excessive force  
38 that leads to death or permanent and significant physical  
39 impairment of the victim commits a felony of the second degree,  
40 punishable as provided in s. 775.082, s. 775.083, or s. 775.084,  
41 Florida Statutes.

42 (2) A law enforcement officer who fails to render aid, as  
43 circumstances objectively permit, to any person injured as the  
44 result of a use of excessive force prohibited under subsection  
45 (1) or to report in the manner required by department policy  
46 such use of excessive force shall be subject to disciplinary  
47 action, including dismissal, demotion, suspension, or transfer.

48 (3) A law enforcement officer who has actual knowledge of  
49 the commission of a criminal offense by another law enforcement  
50 officer while such officer was on duty and who fails to report  
51 such offense commits a misdemeanor of the second degree,  
52 punishable as provided in s. 775.082 or s. 775.083, Florida  
53 Statutes.

54 Section 2. This act shall take effect October 1, 2021.