

By Senator Jones

34-00307-24

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1 A bill to be entitled
2 An act relating to the use or threatened use of force;
3 providing a short title; amending ss. 776.012 and
4 776.031, F.S.; deleting provisions stating that
5 persons who use or threaten to use force, other than
6 deadly force, do not have a duty to retreat before
7 using or threatening to use such force in defense of
8 persons or property, respectively; prohibiting the use
9 of deadly force by a person who knows that he or she
10 can avoid the necessity of using deadly force with
11 complete safety by retreating; deleting provisions
12 stating that a person using or threatening to use
13 deadly force does not have a duty to retreat and has
14 the right to stand his or her ground under certain
15 circumstances; repealing s. 776.032, F.S., relating to
16 immunity from criminal prosecution and civil action
17 for justifiable use or threatened use of force;
18 reenacting s. 790.25(4)(c), F.S., relating to lawful
19 ownership, possession, and use of firearms and other
20 weapons, to incorporate the amendment made to s.
21 776.012, F.S., in a reference thereto; providing an
22 effective date.

23
24 Be It Enacted by the Legislature of the State of Florida:

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26 Section 1. This act may be cited as the "Self-Defense
27 Restoration Act."

28 Section 2. Section 776.012, Florida Statutes, is amended to
29 read:

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30 776.012 Use or threatened use of force in defense of
31 person.—

32 (1) A person is justified in using or threatening to use
33 force, except deadly force, against another when and to the
34 extent that the person reasonably believes that such conduct is
35 necessary to defend himself or herself or another against the
36 other's imminent use of unlawful force. ~~A person who uses or~~
37 ~~threatens to use force in accordance with this subsection does~~
38 ~~not have a duty to retreat before using or threatening to use~~
39 ~~such force.~~

40 (2) A person is justified in using or threatening to use
41 deadly force if he or she reasonably believes that using or
42 threatening to use such force is necessary to prevent imminent
43 death or great bodily harm to himself or herself or another or
44 to prevent the imminent commission of a forcible felony. A
45 person may not ~~who uses or threatens to~~ use deadly force in
46 accordance with this subsection if the person knows that he or
47 she can, with complete safety, avoid the necessity of using
48 deadly force by retreating ~~does not have a duty to retreat and~~
49 ~~has the right to stand his or her ground if the person using or~~
50 ~~threatening to use the deadly force is not engaged in a criminal~~
51 ~~activity and is in a place where he or she has a right to be.~~

52 Section 3. Section 776.031, Florida Statutes, is amended to
53 read:

54 776.031 Use or threatened use of force in defense of
55 property.—

56 (1) A person is justified in using or threatening to use
57 force, except deadly force, against another when and to the
58 extent that the person reasonably believes that such conduct is

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59 necessary to prevent or terminate the other's trespass on, or
60 other tortious or criminal interference with, either real
61 property other than a dwelling or personal property, lawfully in
62 his or her possession or in the possession of another who is a
63 member of his or her immediate family or household or of a
64 person whose property he or she has a legal duty to protect. ~~A~~
65 ~~person who uses or threatens to use force in accordance with~~
66 ~~this subsection does not have a duty to retreat before using or~~
67 ~~threatening to use such force.~~

68 (2) A person is justified in using or threatening to use
69 deadly force only if he or she reasonably believes that such
70 conduct is necessary to prevent the imminent commission of a
71 forcible felony. A person may not ~~who uses or threatens to use~~
72 ~~deadly force in accordance with this subsection~~ if the person
73 knows that he or she can, with complete safety, avoid the
74 necessity of using deadly force by retreating ~~does not have a~~
75 ~~duty to retreat and has the right to stand his or her ground if~~
76 ~~the person using or threatening to use the deadly force is not~~
77 ~~engaged in a criminal activity and is in a place where he or she~~
78 ~~has a right to be.~~

79 Section 4. Section 776.032, Florida Statutes, is repealed.

80 Section 5. For the purpose of incorporating the amendment
81 made by this act to section 776.012, Florida Statutes, in a
82 reference thereto, paragraph (c) of subsection (4) of section
83 790.25, Florida Statutes, is reenacted to read:

84 790.25 Lawful ownership, possession, and use of firearms
85 and other weapons.—

86 (4) POSSESSION IN PRIVATE CONVEYANCE.—

87 (c) This subsection shall be liberally construed in favor

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88 of the lawful use, ownership, and possession of firearms and
89 other weapons, including lawful self-defense as provided in s.
90 776.012.

91 Section 6. This act shall take effect upon becoming a law.