

House \_\_\_\_\_ Amendment NO. \_\_\_\_\_

Offered By

1 AMEND House Committee Substitute for House Bill No. 122, Page 2, Section 563.031, Line 42, by  
2 inserting after all of said section and line the following:

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4 \*"563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the  
5 arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes  
6 to have committed an offense because of resistance or threatened resistance of the arrestee. In  
7 addition to the use of physical force authorized under other sections of this chapter, a law  
8 enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such  
9 physical force as he or she reasonably believes is immediately necessary to effect the arrest or to  
10 prevent the escape from custody.

11 2. The use of any physical force in making an arrest is not justified under this section unless  
12 the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

13 3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is  
14 justified in using deadly force only:

15 (1) When deadly force is authorized under other sections of this chapter; or

16 (2) When he or she reasonably believes that [such use of deadly force is immediately  
17 necessary to effect the arrest and also reasonably believes that] the person to be arrested:

18 (a) Has committed or attempted to commit a felony; [or]

19 (b) Is attempting to escape [by use of a deadly weapon; or] and

20 (c) May otherwise endanger life or inflict serious physical injury unless arrested without  
21 delay.

22 4. The defendant shall have the burden of injecting the issue of justification under this  
23 section.

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25 arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes  
26 to have committed an offense because of resistance or threatened resistance of the arrestee. In  
27 addition to the use of physical force authorized under other sections of this chapter, he or she is,  
28 subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he  
29 reasonably believes is immediately necessary to effect the arrest or to prevent the escape from  
30 custody.

Action Taken \_\_\_\_\_ Date \_\_\_\_\_

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1           2. The use of any physical force in making an arrest is not justified under this section unless  
2 the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful.

3           3. A law enforcement officer in effecting an arrest or in preventing an escape from custody is  
4 justified in using deadly force only

5           (1) When such is authorized under other sections of this chapter; or

6           (2) When he or she reasonably believes that [such use of deadly force is immediately  
7 necessary to effect the arrest and also reasonably believes that] the person to be arrested;

8           (a) Has committed or attempted to commit a felony; [or]

9           (b) Is attempting to escape [by use of a deadly weapon; or] ; and

10           (c) May otherwise endanger life or inflict serious physical injury unless arrested without  
11 delay.

12           4. The defendant shall have the burden of injecting the issue of justification under this  
13 section."; and

14  
15 Further amend said bill by amending the title, enacting clause, and intersectional references  
16 accordingly.  
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