

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for House Bill No. 762, Page 1, in the Title, Line 3, by
2 deleting the words "accessibility of information acquired by"; and
3

4 Further amend said bill and page, Section A, Line 2, by inserting after all of said section and line the
5 following:
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7 *563.046. 1. A law enforcement officer need not retreat or desist from efforts to effect the
8 arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes
9 to have committed an offense because of resistance or threatened resistance of the arrestee. In
10 addition to the use of physical force authorized under other sections of this chapter, a law
11 enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such
12 physical force as he or she reasonably believes is immediately necessary to effect the arrest or to
13 prevent the escape from custody.

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

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

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

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

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

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

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

25 4. The defendant shall have the burden of injecting the issue of justification under this
26 section.

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

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2 custody.

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

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9 necessary to effect the arrest and also reasonably believes that] the person to be arrested;

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

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

16
17 Further amend said bill by amending the title, enacting clause, and intersectional references
18 accordingly.
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20
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