

FIRST REGULAR SESSION

HOUSE BILL NO. 934

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BLAND MANLOVE.

0801H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 563.051, RSMo, and to enact in lieu thereof one new section relating to a private person's use of force in making an arrest.

Be it enacted by the General Assembly of the state of Missouri, as follows:

2 Section A. Section 563.051, RSMo, is repealed and one new section enacted in lieu
3 thereof, to be known as section 563.051, to read as follows:

4 563.051. 1. A private person who has been directed by a person he or she reasonably
5 believes to be a law enforcement officer to assist such officer to effect an arrest or to prevent
6 escape from custody may, subject to the limitations of subsection [3] 2 of this section, use
7 physical force when and to the extent that he or she reasonably believes such to be necessary to
8 carry out such officer's direction unless he or she knows or believes that the arrest or prospective
9 arrest is not or was not authorized.

10 2. ~~[A private person acting on his or her own account may, subject to the limitations of~~
11 ~~subsection 3 of this section, use physical force to arrest or prevent the escape of a person whom~~
12 ~~such private person reasonably believes has committed an offense, and who in fact has~~
13 ~~committed such offense, when the private person's actions are immediately necessary to arrest~~
14 ~~the offender or prevent his or her escape from custody.~~

15 ~~———3:] A private person in effecting an arrest or in preventing escape from custody is~~
16 ~~justified in using deadly force only[:~~

17 ~~———(1) When deadly force is authorized under other sections of this chapter, or~~

18 ~~———(2)] when he or she reasonably believes deadly force is authorized under the~~
19 ~~circumstances and he or she is directed or authorized by a law enforcement officer to use deadly~~
20 ~~force]; or~~

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

18 ~~—— (3) When he or she reasonably believes such use of deadly force is immediately~~
19 ~~necessary to arrest a person who at that time and in his or her presence:~~

20 ~~—— (a) Committed or attempted to commit a class A felony or murder; or~~

21 ~~—— (b) Is attempting to escape by use of a deadly weapon].~~

22 [4.] 3. The defendant shall have the burden of injecting the issue of justification under
23 this section.

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