

HCS HB 2118 -- USE OF SELF DEFENSE

SPONSOR: Taylor (139)

COMMITTEE ACTION: Voted "Do Pass with HCS" by the Special Committee on Government Oversight by a vote of 5 to 3. Voted "Do Pass" by the Standing Committee on Rules- Administrative Oversight by a vote of 7 to 3.

The following is a summary of the House Committee Substitute for HB 2118.

Under current law, the defendant has the burden to prove he or she reasonably believed physical or deadly force was necessary to protect him or herself or a third person.

This bill provides that there shall be a presumption of reasonableness that the defendant believed such force was necessary to defend him or herself or a third person.

The bill also provides that a person who uses or threatens to use force in self defense is immune from criminal prosecution and civil action for the use of such force, unless:

(1) The person against whom force was used or threatened was a law enforcement officer who was acting in the performance of his or her official duties and the officer identified himself or herself in accordance with any applicable law or the person using or threatening to use force knew or reasonably should have known that the person was a law enforcement officer; and

(2) The force used or threatened occurred in a location readily accessible to the public or a place of public accommodation.

Additionally, a law enforcement agency may use standard procedures for investigating the use or threatened use of force, but the agency may not arrest the person for using or threatening to use force unless the agency determines that there is probable cause that the force that was used or threatened was unlawful.

The bill provides that the defendant can raise a claim of self defense during a pre-trial hearing in either a criminal or civil case, which would shift the burden on the party seeking to overcome the immunity by proof of clear and convincing evidence.

Finally, the bill repeals provisions relating to civil remedies that are unaffected by criminal provisions of self-defense law.

This bill is similar to SB 666 (2022).

The following is a summary of the public testimony from the committee hearing. The testimony was based on the introduced version of the bill.

PROPONENTS: Supporters say that this bill supports the notion that a person is innocent until proven guilty and that everyone is treated equally. Multiple states have similar legislation. The bill simply requires the state to prove its case on all levels.

Testifying for the bill were Representative Taylor; Arnie C. Ac Dienoff; David Muench; Ed Abegg; Gary & Becky Ridenhour; Rian Cerny; Scott Hawke; Todd Seyller; Susan Myers; William W. Bland, Western Missouri Shooters Alliance; Andy Beavers; Thomas Marco; James; Carl Smart; American Firearms Association; Aaron Dorr, Missouri Firearms Coalition; Kevin Hertel; and Lewis Mason.

OPPONENTS: Those who oppose the bill say that this bill creates an opportunity for murder and injustice. This bill will create more work for law enforcement and prosecutors.

Testifying against the bill were Allyn Harris Dault; Amy Axtell; Angie Welsh; Barbara Ross; Beth Hartman; Carl Fischer; Carrie Blasko; Charlotte Smith; Cheryl Hibbeler; Colleen Tepen; Connie Flachs; Dawn Banks; Elyse Max; Gary Thomas; Geneva Lee; Geralyn Madigan; Helen L. Green; Ian Wrobel; Ida Fogle; Jeanne D. Mihail; Jenna Roberson; Jessica Moffitt; Lauren Sobchak; Mary Gross; Mary Kristene Strickler; Michaela Meckel; Monica Lee; Nancy Desloge; Nancy Goth; Natalie Roth; Randee Steffen; Rebecca Shaw; Rebecca Watson; Rebekah Berkowitz; Richard A. Egan Jr.; Rike Annette Reuter-Hart; Robin Winner, Synergy Services, Hope House, Rose Brooks Center, MOCSA; Scot Mckellar; Scott Randolph; Shawn Tolivar; Susan Gibson; Tara Bennett; Tara Reuter Johnson; Valerie Larm; Victoria Godfrey-Zeller; Zachary; Christine Novalis; John Steffen; Kim Westerman; Kimberly Maxwell; Loretta Ceresia; Marcey Gulley; Angela Curtis; Ann Cuevas; C. M. Cooke; Dina Hamersen; Donald White; Jenessa Keller; Jennifer Wall; Kent Stalder; Lauren Davis; Nichole Brinkmann; Noel Renee Kopriva; Missouri Fraternal Order of Police; St. Louis Police Officers Association; Kansas City Fraternal Order of Police; Angela L Boyle; Lynda Stewart; Claudia Jenkins; John Kiehne; Yvonne D Reeves Chong; Luke Reed, Missouri Department of Transportation; Webster Davis, Missouri NAACP; Chief Sean Fagan, Missouri Police Chiefs Association; Joshua Dunne, Missouri Faith Voices; Shira Berkowitz, Promo; Kristin Bowen, Moms Demand Action For Gun Sense In America; Karen Bogard; Christopher Lion; Amy Kuo Hammerman, National Council of Jewish Women - St. Louis; Rori Picker Neiss, Jewish Community Relations Council; Michael Lester; Daniel Bogard; St. Louis County Police Association; Jennifer Harris Dault; Missouri Sheriffs United; Tim Lohmar,

Missouri Association of Prosecuting Attorneys; Kacey Proctor, Missouri Association of Prosecuting Attorneys; James Cooper; Laura Burkhardt; Nick Strauss; Rebecca Wilhoit; Robbie A Mccroskey; Emily Hornstra; Jennifer Harris Dault; and Pat Hubbs.

OTHERS: Others testifying on the bill submitted written testimony.

Testifying on the bill were Donnie Owsley.

Written testimony has been submitted for this bill. The full written testimony can be found under Testimony on the bill page on the House website.