

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/Senate Bill No. 1, Page 18, Section 491.641, Line 23,

of this page, by inserting after all of said line the following:

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

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer's underlying intent or motivation.

3. [In effecting an arrest or in preventing an escape from custody,] A law enforcement officer is justified in using deadly

1 force only:

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

4 (2) When the officer reasonably believes that such use of
5 deadly force is immediately necessary to effect the arrest or
6 prevent an escape from custody and also [reasonably believes] has
7 probable cause to believe that the person to be arrested:

8 (a) Has committed or attempted to commit a felony offense
9 involving the infliction or threatened infliction of serious
10 physical injury; or

11 (b) [Is attempting to escape by use of a deadly weapon or
12 dangerous instrument; or

13 (c)] May otherwise [endanger life or inflict] pose a threat
14 of serious physical injury to the officer or others unless
15 arrested without delay.

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

18 Further amend said bill, Page 20, Section 571.060, Line 25
19 of said page, by inserting after all of said line the following:

20 "[544.190. If, after notice of the intention to
21 arrest the defendant, he either flee or forcibly
22 resist, the officer may use all necessary means to
23 effect the arrest.]" ; and

24 Further amend the title and enacting clause accordingly.