

SENATE AMENDMENT NO. _____

Offered by _____ of _____

Amend SS/SCS/Senate Bill No. 663, Page 81, Section 537.530, Line 18,

2 by inserting after all of said line the following:

3 "537.570. Every person who, under color of any statute,
 4 ordinance, regulation, custom, or usage, of the state of Missouri
 5 or any political subdivision thereof subjects, or causes to be
 6 subjected, any citizen of the United States or other person
 7 within the jurisdiction thereof to the deprivation of any rights,
 8 privileges, or immunities secured by the Missouri Constitution
 9 and laws of this state, or interferes or attempts to interfere,
 10 by threats, intimidation or coercion, with the exercise or
 11 enjoyment by any other person of rights secured by article I of
 12 the Missouri Constitution, shall be liable to the party injured
 13 in an action at law, suit in equity, or other proper proceeding
 14 for redress. A party injured by a violation of this section may
 15 bring a private civil action to enforce their rights under this
 16 section. The attorney general shall be authorized to bring a
 17 civil action on behalf of a party injured pursuant to this
 18 section."; and

19 Further amend said bill, page 94, section 562.014, line 12,
 20 by inserting after all of said line the following:

21 "563.046. 1. A law enforcement officer need not retreat or

1 desist from efforts to effect the arrest, or from efforts to
2 prevent the escape from custody, of a person he or she reasonably
3 believes to have committed an offense because of resistance or
4 threatened resistance of the arrestee. In addition to the use of
5 physical force authorized under other sections of this chapter, a
6 law enforcement officer is, subject to the provisions of
7 subsections 2 and 3, justified in the use of such physical force
8 as he or she reasonably believes is immediately necessary to
9 effect the arrest or to prevent the escape from custody.

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

17 3. In effecting an arrest or in preventing an escape from
18 custody, a law enforcement officer [in effecting an arrest or in
19 preventing an escape from custody] is justified in using deadly
20 force only:

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

23 (2) When [he or she] the officer reasonably believes that
24 such use of deadly force is immediately necessary to effect the
25 arrest or prevent an escape from custody and also reasonably
26 believes that the person to be arrested:

27 (a) Has committed or attempted to commit a felony offense
28 involving the infliction or threatened infliction of serious
29 physical injury; or

1 (b) Is attempting to escape by use of a deadly weapon; or

2 (c) May otherwise endanger life or inflict serious physical
3 injury to the officer or others unless arrested without delay.

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

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7 desist from efforts to effect the arrest, or from efforts to
8 prevent the escape from custody, of a person he reasonably
9 believes to have committed an offense because of resistance or
10 threatened resistance of the arrestee. In addition to the use of
11 physical force authorized under other sections of this chapter,
12 he is, subject to the provisions of subsections 2 and 3,
13 justified in the use of such physical force as he reasonably
14 believes is immediately necessary to effect the arrest or to
15 prevent the escape from custody.

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22 regard to the officer's underlying intent or motivation.

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28 chapter; or

29 (2) When [he] the officer reasonably believes that such use

1 of deadly force is immediately necessary to effect the arrest or
2 prevent an escape from custody and also reasonably believes that
3 the person to be arrested:

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5 involving the infliction or threatened infliction of serious
6 physical injury; or

7 (b) Is attempting to escape by use of a deadly weapon; or

8 (c) May otherwise endanger life or inflict serious physical
9 injury to the officer or others unless arrested without delay.

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

12 Further amend said bill, section B, page 209, line 13, by
13 inserting after "632.520," the following: "the repeal and
14 reenactment of the first occurrence of section 563.046,"; and

15 Further amend said bill and page, section C, line 16, by
16 inserting after "Section C." the following: "Because of the need
17 to clarify Missouri's deadly force statute to align with supreme
18 court precedent and"; and further amend line 18, by inserting
19 after "citizens," the following: "the repeal and reenactment of
20 the second occurrence of section 563.046 of this act"; and
21 further amend said section, line 23, by inserting after
22 "constitution," the following: "and the repeal and reenactment of
23 the second occurrence of section 563.046 of this act".

24 Further amend the title and enacting clause accordingly.