

House _____ Amendment NO. _____

Offered By _____

1 AMEND House Committee Substitute for Senate Substitute for Senate Committee Substitute for
2 Senate Bill No. 663, Pages 60-61, Section 563.031, Lines 1-42, by deleting all of said lines and
3 inserting in lieu thereof the following:
4

5 "563.031. 1. A person may, subject to the provisions of subsection 2 of this section, use
6 physical force upon another person when and to the extent he or she reasonably believes such force
7 to be necessary to defend himself or herself or a third person from what he or she reasonably
8 believes to be the use or imminent use of unlawful force by such other person, unless:

9 (1) The actor was the initial aggressor; except that in such case his or her use of force is
10 nevertheless justifiable provided:

11 (a) He or she has withdrawn from the encounter and effectively communicated such
12 withdrawal to such other person but the latter persists in continuing the incident by the use or
13 threatened use of unlawful force; or

14 (b) He or she is a law enforcement officer and as such is an aggressor pursuant to section
15 563.046; or

16 (c) The aggressor is justified under some other provision of this chapter or other provision
17 of law;

18 (2) Under the circumstances as the actor reasonably believes them to be, the person whom
19 he or she seeks to protect would not be justified in using such protective force;

20 (3) The actor was attempting to commit, committing, or escaping after the commission of a
21 forcible felony.

22 2. A person may not use deadly force upon another person under the circumstances
23 specified in subsection 1 of this section unless:

24 (1) He or she reasonably believes that such deadly force is necessary to protect himself, or
25 herself or her unborn child, or another against death, serious physical injury, or any forcible felony;

26 (2) Such force is used against a person who unlawfully enters, remains after unlawfully
27 entering, or attempts to unlawfully enter a dwelling, residence, or vehicle lawfully occupied by such
28 person; or

29 (3) Such force is used against a person who unlawfully enters, remains after unlawfully
30 entering, or attempts to unlawfully enter private property that is owned or leased by an individual
31 claiming a justification of using protective force under this section.

32 3. A person who is not engaged in an unlawful activity does not have a duty to retreat from
33 [a dwelling, residence, or vehicle where the person is not unlawfully entering or unlawfully
34 remaining. A person does not have a duty to retreat from private property that is owned or leased
35 by such individual] any place he or she has a right to be.

36 4. The justification afforded by this section extends to the use of physical restraint as

Standing Action Taken _____ Date _____

Select Action Taken _____ Date _____

1 protective force provided that the actor takes all reasonable measures to terminate the restraint as
2 soon as it is reasonable to do so.

3 5. The defendant shall have the burden of injecting the issue of justification under this
4 section. If a defendant asserts that his or her use of force is described under subdivision (2) of
5 subsection 2 of this section, the burden shall then be on the state to prove beyond a reasonable doubt
6 that the defendant did not reasonably believe that the use of such force was necessary to defend
7 against what he or she reasonably believed was the use or imminent use of unlawful force."; and

8
9 Further amend said bill by amending the title, enacting clause, and intersectional references
10 accordingly.