CS/HB 677 2017

A bill to be entitled

An act relating to justifiable use of:

An act relating to justifiable use of force; amending s. 776.013, F.S.; deleting a requirement that a person first be attacked in his or her dwelling, residence, or vehicle before using or threatening to use force; conforming a cross-reference; providing an effective date.

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Be It Enacted by the Legislature of the State of Florida:

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Section 1. Subsection (1) of section 776.013, Florida Statutes, is renumbered as subsection (2) and present subsections (2) and (3) of that section are amended to read:

776.013 Home protection; use or threatened use of deadly force; presumption of fear of death or great bodily harm.—

(1)(3) A person who is attacked in his or her dwelling, residence, or vehicle has no duty to retreat and has the right to stand his or her ground and use or threaten to use force, including deadly force, if he or she uses or threatens to use force in accordance with s. 776.012(1) or (2) or s. 776.031(1) or (2).

 $\underline{(3)}$ The presumption set forth in subsection $\underline{(2)}$ does not apply if:

(a) The person against whom the defensive force is used or threatened has the right to be in or is a lawful resident of the

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CODING: Words stricken are deletions; words underlined are additions.

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dwelling, residence, or vehicle, such as an owner, lessee, or titleholder, and there is not an injunction for protection from domestic violence or a written pretrial supervision order of no contact against that person; or

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- (b) The person or persons sought to be removed is a child or grandchild, or is otherwise in the lawful custody or under the lawful guardianship of, the person against whom the defensive force is used or threatened; or
- (c) The person who uses or threatens to use defensive force is engaged in a criminal activity or is using the dwelling, residence, or occupied vehicle to further a criminal activity; or
- (d) The person against whom the defensive force is used or threatened is a law enforcement officer, as defined in s. 943.10(14), who enters or attempts to enter a dwelling, residence, or vehicle 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 entering or attempting to enter was a law enforcement officer.
 - Section 2. This act shall take effect July 1, 2017.