

Committee on Judiciary

CS/CS/SB 1052 — Justifiable Use of Force

by Rules Committee; Judiciary Committee; and Senator Simmons

This bill addresses scrivener's errors or inconsistencies in current s. 776.013(3), F.S., on the right to act in self-defense.

These errors or inconsistencies:

- Imply that a person who is in his or her dwelling or residence must be physically attacked before he or she has the right to act in self-defense.
- Appear to require a person to flee from his or her home before acting in self-defense if the person is engaged in criminal activity, although a person's home has historically been viewed as his or her castle or a place of refuge from which no retreat has been required.

The bill replaces the flawed subsection of statute with new provisions that govern the use of defensive force in a dwelling against a person who has not unlawfully or forcibly entered a dwelling or residence, such as a co-occupant or guest. In these circumstances, the bill provides that the general standard for using or threatening to use deadly or nondeadly force outside a dwelling or residence applies. Additionally, a person who is in a dwelling or residence in which he or she has a right to be has no duty to retreat before using lawful defensive force.

If approved by the Governor, these provisions take effect July 1, 2017.

Vote: Senate 23-14; House 77-41