

Committee on Judiciary

CS/SB 128 — Self-defense Immunity

by Judiciary Committee; and Senators Bradley, Simpson, Bean, Baxley, Steube, Mayfield, Brandes, Broxson, and Benacquisto

The bill establishes a statutory procedure for a criminal defendant to claim immunity from prosecution based on a justified use of force. This new procedure will replace procedures established by the courts which require a defendant to prove entitlement to immunity by a preponderance of the evidence at a pretrial hearing. Under the bill, the defendant must raise a prima facie claim of immunity at the pretrial hearing. Once the defendant raises the claim, to overcome the immunity, the state must prove by clear and convincing evidence that the defendant is not immune.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 22-14; House 74-39