

HOUSE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB21-1250 be amended as follows:

1 Amend printed bill, page 16, line 3, strike "PERSON." and substitute
2 "PERSON AND ONLY FOR AS LONG AS NECESSARY TO ACCOMPLISH THE
3 OFFICER'S LEGITIMATE LAW ENFORCEMENT OBJECTIVE.".

4 Page 16, line 10, strike "FORCE" and substitute "FORCE:".

5 Page 16, strike line 11 and substitute:

6 "(I) AS SOON AS THE PERSON ON WHOM THE FORCE IS USED IS
7 UNDER THE OFFICER'S CONTROL;

8 (II) AS SOON AS THE PERSON ON WHOM THE FORCE IS USED IS NO
9 LONGER AN IMMINENT THREAT OF SERIOUS PHYSICAL INJURY OR DEATH TO
10 THE OFFICER OR ANOTHER PERSON; OR

11 (III) WHEN THE OFFICER DETERMINES THAT THE FORCE WILL NO
12 LONGER ACCOMPLISH, OR IS NO LONGER REASONABLE AND PROPORTIONAL
13 TO ACCOMPLISH, THE OFFICER'S LEGITIMATE LAW ENFORCEMENT
14 OBJECTIVE.".

15 Page 18, after line 23 insert:

16 "(d) (I) "IMMINENT THREAT" MEANS, WHEN BASED ON THE
17 TOTALITY OF THE CIRCUMSTANCES, A REASONABLE LAW ENFORCEMENT
18 OFFICER WITH EXPERIENCE AND TRAINING IN THE USE OF FORCE OR
19 DEADLY FORCE IN THE SAME SITUATION WOULD BELIEVE THAT A PERSON
20 HAS THE PRESENT ABILITY, OPPORTUNITY, AND APPARENT INTENT TO
21 CAUSE IMMEDIATE DEATH OR PHYSICAL INJURY TO THE OFFICER OR
22 ANOTHER PERSON, AND FROM APPEARANCES, THE THREAT MUST BE
23 INSTANTLY CONFRONTED AND ADDRESSED TO PREVENT THE DEATH OF OR
24 PHYSICAL INJURY TO THE OFFICER OR ANOTHER PERSON.

25 (II) "IMMINENT THREAT" DOES NOT MEAN THE MERE FEAR OF
26 FUTURE HARM, NO MATTER HOW GREAT THE FEAR AND NO MATTER HOW
27 GREAT THE LIKELIHOOD OF THE THREAT.".

28 Reletter succeeding paragraphs accordingly.

29 Page 19, after line 2, insert:

30 "(g) TOTALITY OF THE CIRCUMSTANCES" MEANS ALL CREDIBLE
31 FACTS KNOWN TO A PEACE OFFICER OR THAT COULD HAVE BEEN
32 ASCERTAINED BY THE OFFICER THROUGH VISUAL OBSERVATION, TOUCH,
33 OR AUDIBLE MECHANISMS UNDER THE CIRCUMSTANCES CONFRONTING THE
34 OFFICER LEADING UP TO AND AT THE TIME OF THE USE OF FORCE,
35 INCLUDING:

36 (I) ACTIONS OF AND RISK TO A PERSON AGAINST WHOM A LAW

- 1 ENFORCEMENT OFFICER USES FORCE;
- 2 (II) ACTIONS OF A LAW ENFORCEMENT OFFICER; AND
- 3 (III) RISK TO OTHER PERSONS."

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