

HB1264_L.004

SENATE COMMITTEE OF REFERENCE AMENDMENT

Committee on Judiciary.

HB16-1264 be amended as follows:

1 Amend reengrossed bill, page 2, line 2, after "18-1-707," insert "**amend**
2 (1) introductory portion, (3), and (4); and".

3 Page 2, strike line 5 and substitute:

4 "**preventing an escape - definitions.** (1) Except as provided in
5 ~~subsection (2)~~ SUBSECTIONS (2) AND (2.5) of this section, a peace officer
6 is justified in using reasonable and appropriate physical force upon
7 another person when and to the extent that he reasonably believes it
8 necessary:

9 (2.5) (a) A PEACE OFFICER IS".

10 Page 2, line 11, strike "SERIOUS".

11 Page 2, line 17, strike "DEADLY" and substitute "PHYSICAL".

12 Page 2, after line 26, insert:

13 "(3) Nothing in subsection (2) (b) OR SUBSECTION (2.5) of this
14 section shall be deemed to constitute justification for reckless or
15 criminally negligent conduct by a peace officer amounting to an offense
16 against or with respect to innocent persons whom he is not seeking to
17 arrest or retain in custody.

18 (4) For purposes of this section, a reasonable belief that a person
19 has committed an offense means a reasonable belief in facts or
20 circumstances which if true would in law constitute an offense. If the
21 believed facts or circumstances would not in law constitute an offense, an
22 erroneous though not unreasonable belief that the law is otherwise does
23 not render justifiable the use of force to make an arrest or to prevent an
24 escape from custody. A peace officer who is effecting an arrest pursuant
25 to a warrant is justified in using the physical force prescribed in
26 subsections (1), ~~and~~ (2), AND (2.5) of this section unless the warrant is
27 invalid and is known by the officer to be invalid."

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