

Senate proposal of amendment

H. 145

An act relating to amending the standards for law enforcement use of force

The Senate proposes to the House to amend the bill as follows:

First: By striking out Sec. 4, 13 V.S.A. § 2305, in its entirety and inserting in lieu thereof the following:

Sec. 4. 13 V.S.A. § 2305 is amended to read:

§ 2305. JUSTIFIABLE HOMICIDE

If a person kills or wounds another under any of the circumstances enumerated below, he or she shall be guiltless:

(1) in the just and necessary defense of ~~his or her~~ the person's own life or the life of ~~his or her husband, wife~~ the person's spouse, parent, child, ~~brother, sister, master, mistress, servant~~ sibling, guardian, or ward; or

(2) if the person reasonably believed that he or she was in imminent peril and that it was necessary to repel that peril with deadly force, in the forceful or violent suppression of a person attempting to commit murder, sexual assault, aggravated sexual assault, burglary, or robbery, ~~with force or violence~~; or

(3) in the case of a ~~civil officer; or a military officer or private soldier~~ when lawfully called out to suppress riot or rebellion, or to prevent or suppress invasion, or to assist in serving legal process, ~~in suppressing opposition against him or her in the just and necessary discharge of his or her duty~~ law enforcement officer as defined in 20 V.S.A. § 2351(a) using force in compliance with 20 V.S.A. § 2368(b)(1)–(2), and (5) or deadly force in compliance with 20 V.S.A. § 2368(c)(1)–(4) and (6).

Second: In Sec. 8, effective dates, in subsection (b), by striking out the word "September" and inserting in lieu thereof the word October