

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 145
3 entitled “An act relating to amending the standards for law enforcement use of
4 force” respectfully reports that it has considered the same and recommends that
5 the Senate propose to the House that the bill be amended as follows:

6 First: By striking out Sec. 4, justifiable homicide, in its entirety and
7 inserting in lieu thereof the following:

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

9 § 2305. JUSTIFIABLE HOMICIDE

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

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

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

20 (3) in the case of a ~~civil officer; or a military officer or private soldier~~
21 ~~when lawfully called out to suppress riot or rebellion, or to prevent or suppress~~

1 ~~invasion, or to assist in serving legal process, in suppressing opposition against~~
2 ~~him or her in the just and necessary discharge of his or her duty~~ law
3 enforcement officer as defined in 20 V.S.A. § 2351(a) using force in
4 compliance with 20 V.S.A. § 2368(b)(1), (2), and (5) or deadly force in
5 compliance with 20 V.S.A. § 2368(c)(1)–(4) and (6).

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

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13 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE