

SENATE COMMITTEE OF REFERENCE REPORT

\_\_\_\_\_  
Chairman of Committee

March 28, 2016  
Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB16-1264 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 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

1 circumstances which if true would in law constitute an offense. If the  
2 believed facts or circumstances would not in law constitute an offense, an  
3 erroneous though not unreasonable belief that the law is otherwise does  
4 not render justifiable the use of force to make an arrest or to prevent an  
5 escape from custody. A peace officer who is effecting an arrest pursuant  
6 to a warrant is justified in using the physical force prescribed in  
7 subsections (1), ~~and~~ (2), AND (2.5) of this section unless the warrant is  
8 invalid and is known by the officer to be invalid."

\*\* \*\*\* \*\* \*\*\* \*\*