1   # LETHAL FORCE AMENDMENTS
2   ## 2021 GENERAL SESSION
3   ## STATE OF UTAH
4   **Chief Sponsor: Jennifer Dailey-Provost**
5   Senate Sponsor: _____

7   **LONG TITLE**
8   **General Description:**
9   This bill modifies when a peace officer may use lethal force.
10   **Highlighted Provisions:**
11   This bill:
12   ‣   requires a peace officer in certain situations to have a reasonable belief that the use
13   of lethal force is both reasonable and necessary.
14   **Money Appropriated in this Bill:**
15   None
16   **Other Special Clauses:**
17   None
18   **Utah Code Sections Affected:**
19   AMENDS:
20   **76-2-404**, as last amended by Laws of Utah 2015, Chapter 47

22   *Be it enacted by the Legislature of the state of Utah:*
23   Section 1. Section **76-2-404** is amended to read:
24   **76-2-404.   Peace officer's use of deadly force.**
25   (1) A peace officer, or any person acting by the officer's command in providing aid and
26   assistance, is justified in using deadly force when:
27   (a) the officer is acting in obedience to and in accordance with the judgment of a

28   competent court in executing a penalty of death under Subsection 77-18-5.5(2), (3), or (4);

29   (b) effecting an arrest or preventing an escape from custody following an arrest,

30   [where] if:

31   (i) the officer reasonably believes that deadly force is reasonable and necessary to

32   prevent the arrest from being defeated by escape; and

33   [(i)] (ii) (A) the officer has probable cause to believe that the suspect has committed a

34   felony offense involving the infliction or threatened infliction of death or serious bodily injury;

35   or

36   [(ii)] (B) the officer has probable cause to believe the suspect poses a threat of death or

37   serious bodily injury to the officer or to others if apprehension is delayed; or

38   (c) the officer reasonably believes that the use of deadly force is reasonable and

39   necessary to prevent death or serious bodily injury to the officer or another person.

40   (2) If feasible, a verbal warning should be given by the officer prior to any use of

41   deadly force under Subsection (1)(b) or (1)(c).