

CS/SB 344 – Use or Threatened Use of Defensive Force (Identical HB 169)

This bill amends s. 776.032, F.S., explicitly stating that the state shall bear the burden of proof in establishing beyond a reasonable doubt whether a defendant is entitled to immunity at a pretrial evidentiary hearing in order to disprove a prima facie claim of self-defense immunity. Currently, the burden of proof is imposed on the person who raises a prima facie claim of self-defense immunity from criminal prosecution. This would also apply retroactively to proceedings pending at the time this act becomes a law.

CONFERENCE ADOPTED ESTIMATE: Negative Indeterminate

Requested by: House