

REFERENCE TITLE: use of force; law enforcement

State of Arizona
House of Representatives
Fifty-fifth Legislature
Second Regular Session
2022

HB 2519

Introduced by
Representatives Bolding: Cano, Epstein, Longdon, Powers Hannley

AN ACT

REPEALING SECTIONS 13-409 AND 13-410, ARIZONA REVISED STATUTES; AMENDING
TITLE 13, CHAPTER 4, ARIZONA REVISED STATUTES, BY ADDING NEW SECTIONS
13-409 AND 13-410; RELATING TO JUSTIFICATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Repeal

3 Sections 13-409 and 13-410, Arizona Revised Statutes, are repealed.

4 Sec. 2. Title 13, chapter 4, Arizona Revised Statutes, is amended
5 by adding new sections 13-409 and 13-410, to read:

6 13-409. Justification; use of physical force in law
7 enforcement

8 A. A PEACE OFFICER, IN THE COURSE OF CARRYING OUT THE PEACE
9 OFFICER'S OFFICIAL DUTIES, MUST USE NONVIOLENT MEANS WHEN POSSIBLE BEFORE
10 USING PHYSICAL FORCE. A PEACE OFFICER IS JUSTIFIED IN USING PHYSICAL
11 FORCE ONLY IF NONVIOLENT MEANS WOULD BE INEFFECTIVE IN MAKING AN ARREST,
12 PREVENTING AN ESCAPE OR PREVENTING AN IMMINENT THREAT OF SERIOUS PHYSICAL
13 INJURY OR DEATH TO THE PEACE OFFICER OR ANOTHER PERSON.

14 B. IF A PEACE OFFICER USES PHYSICAL FORCE, THE OFFICER SHALL:

15 1. USE ONLY THE DEGREE OF PHYSICAL FORCE THAT IS CONSISTENT WITH
16 MINIMIZING INJURY TO OTHER PERSONS.

17 2. ENSURE THAT ASSISTANCE AND MEDICAL AID ARE RENDERED TO AN
18 INJURED OR AFFECTED PERSON AS SOON AS PRACTICABLE.

19 3. ENSURE THAT IF A PERSON IS KILLED OR SUFFERS A SERIOUS PHYSICAL
20 INJURY, THE PERSON'S NEXT OF KIN OR ANY IDENTIFIED RELATIVE IS NOTIFIED AS
21 SOON AS PRACTICABLE.

22 C. A PEACE OFFICER MAY NOT USE DEADLY PHYSICAL FORCE TO APPREHEND A
23 PERSON WHO IS SUSPECTED OF COMMITTING ONLY A MINOR OR NONVIOLENT OFFENSE.

24 13-410. Justification; use of deadly physical force in law
25 enforcement

26 A. A PEACE OFFICER IS JUSTIFIED IN USING DEADLY PHYSICAL FORCE TO
27 MAKE AN ARREST ONLY WHEN ALL OTHER MEANS OF APPREHENSION ARE UNREASONABLE
28 GIVEN THE CIRCUMSTANCES AND ALL OF THE FOLLOWING APPLY:

29 1. THE ARREST IS FOR A FELONY INVOLVING THE USE OR THREATENED USE
30 OF DEADLY PHYSICAL FORCE.

31 2. THE SUSPECT POSES AN IMMEDIATE THREAT TO THE PEACE OFFICER OR
32 ANOTHER PERSON.

33 3. THE FORCE USED DOES NOT CREATE A SUBSTANTIAL RISK OF INJURY TO
34 OTHER PERSONS.

35 B. A PEACE OFFICER SHALL IDENTIFY HIMSELF AS A PEACE OFFICER AND
36 GIVE A CLEAR VERBAL WARNING OF THE PEACE OFFICER'S INTENT TO USE A FIREARM
37 OR OTHER DEADLY PHYSICAL FORCE WITH SUFFICIENT TIME FOR THE WARNING TO BE
38 OBSERVED UNLESS THE WARNING WOULD UNDULY PLACE THE PEACE OFFICER AT RISK
39 OF INJURY OR WOULD CREATE A RISK OF DEATH OR INJURY TO ANOTHER PERSON.

40 C. NOTWITHSTANDING SUBSECTIONS A AND B OF THIS SECTION, A PEACE
41 OFFICER IS JUSTIFIED IN USING DEADLY PHYSICAL FORCE IF THE PEACE OFFICER
42 HAS AN OBJECTIVELY REASONABLE BELIEF THAT A LESSER DEGREE OF FORCE IS
43 INADEQUATE AND THAT THE PEACE OFFICER HAS OBJECTIVELY REASONABLE GROUNDS
44 TO BELIEVE AND DOES BELIEVE THAT THE PEACE OFFICER OR ANOTHER PERSON IS IN
45 IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL INJURY.