

**Department of Planning and Budget**  
**2020 Special Session I - Fiscal Impact Statement**

**1. Bill Number:** HB5114

**House of Origin**    ☒ Introduced    ☐ Substitute    ☐ Engrossed  
**Second House**    ☐ In Committee    ☐ Substitute    ☐ Enrolled

**2. Patron:**    Aird

**3. Committee:** Courts of Justice

**4. Title:**    Law-enforcement officer conduct during an arrest or detention; use of force; prohibited practices.

**5. Summary:** The proposed legislation adds a new section of the Code pertaining to law enforcement officers' use of force during an arrest or detention. It provides that no officer shall use excessive force against a person or use deadly force against a person unless: (i) the officer reasonably believes that deadly force is immediately necessary to protect the officer or another person, other than the subject of the use of deadly force, from the threat of serious bodily injury or death; (ii) the officer's actions are reasonable, given the totality of the circumstances; and (iii) all other options have been exhausted or do not reasonably lend themselves to the circumstances.

The bill provides that in determining if an officer's use of deadly force is proper, the following factors shall be considered: (i) the reasonableness of the officer's belief and actions from the perspective of a reasonable law enforcement officer, and (ii) the totality of the circumstances, including: (a) whether the subject of the use of deadly force possessed or appeared to possess a deadly weapon and refused to comply with the officer's lawful order to surrender an object believed to be a deadly weapon prior to the officer using deadly force; (b) whether the officer engaged in de-escalation measures prior to the use of deadly force; and (c) whether any conduct by the officer prior to the use of deadly force increased the risk of a confrontation resulting in deadly force being used.

The bill also prohibits the use of a neck restraint, as defined in the bill, by a law enforcement officer. Additionally, the proposed legislation provides that in addition to any other penalty authorized by law, any law enforcement officer who knowingly violations the provisions of this section shall be subject to disciplinary action, including dismissal, demotion, suspension, or transfer of the officer.

**6. Budget Amendment Necessary:** No.

**7. Fiscal Impact Estimates:** Preliminary. See below (#8)

**8. Fiscal Implications:** The proposed legislation is not expected to have a fiscal impact on Department of State Police, the Department of Motor Vehicles, the Department of Wildlife Resources, and Department of Corrections (DOC). Information on state agencies with law

enforcement personnel is not available at this time. If information is available, the fiscal impact statement will be updated if necessary. To the extent, the bill has any impact on local law enforcement agencies, it cannot be determined at this time.

**9. Specific Agency or Political Subdivisions Affected:** State and local law enforcement agencies.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.