

Missouri
Revisor of Statutes

Constitution Committee Publications

About Help & FAQ Other Information & Links ↓

Words ▾ 1st search term or section And ▾ 2nd search term 🔍 ?

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

Chapter 563

🔍 🗨️ ● **Effective - 28 Aug 2018, 2 histories** ↓

563.011. Chapter definitions. — As used in this chapter the following terms shall mean:

- (1) "**Armed nuclear security guard**", a security guard who works at a nuclear power plant, who is employed as part of the security plan approved by the United States Nuclear Regulatory Commission, and who meets the requirements mandated by the United States Nuclear Regulatory Commission for carrying a firearm;
- (2) "**Deadly force**", physical force which the actor uses with the purpose of causing or which he or she knows to create a substantial risk of causing death or serious physical injury;
- (3) "**Dwelling**", any building, inhabitable structure, or conveyance of any kind, whether the building, inhabitable structure, or conveyance is temporary or permanent, mobile or immobile, which has a roof over it, including a tent, and is designed to be occupied by people lodging therein at night;
- (4) "**Forcible felony**", any felony involving the use or threat of physical force or violence against any individual, including but not limited to murder, robbery, burglary, arson, kidnapping, assault, and any forcible sexual offense;
- (5) "**Premises**", includes any building, inhabitable structure and any real property;
- (6) "**Private person**", any person other than a law enforcement officer;
- (7) "**Private property**", any real property in this state that is privately owned or leased;
- (8) "**Remain after unlawfully entering**", to remain in or upon premises after unlawfully entering as defined in this section;
- (9) "**Residence**", a dwelling in which a person resides either temporarily or permanently or is visiting as an invited guest;

Missouri
Revisor of Statutes

Constitution Committee Publications

About Help & FAQ Other Information & Links ▼

Words ▾ 1st search term or section And ▾ 2nd search term 🔍 ?

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

Chapter 563

📄 📄 ● **Effective - 01 Jan 2017, 2 histories, see footnote** ▼

563.021. Execution of public duty. — 1. Unless inconsistent with the provisions of this chapter defining the justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute an offense is justifiable and not criminal when such conduct is required or authorized by a statutory provision or by a judicial decree. Among the kinds of such provisions and decrees are:

- (1) Laws defining duties and functions of public servants;
 - (2) Laws defining duties of private persons to assist public servants in the performance of their functions;
 - (3) Laws governing the execution of legal process;
 - (4) Laws governing the military services and the conduct of war;
 - (5) Judgments and orders of courts.
2. The defense of justification afforded by subsection 1 of this section applies:
- (1) When a person reasonably believes his or her conduct to be required or authorized by the judgment or directions of a competent court or tribunal or in the legal execution of legal process, notwithstanding lack of jurisdiction of the court or defect in the legal process;
 - (2) When a person reasonably believes his or her conduct to be required or authorized to assist a public servant in the performance of his or her duties, notwithstanding that the public servant exceeded his or her legal authority.
3. The defendant shall have the burden of injecting the issue of justification under this section.

(L. 1977 S.B. 60, A.L. 2014 S.B. 491)

Effective 1-01-17

---- end of effective 01 Jan 2017 ----
use this link to bookmark section 563.021

- All versions

	Effective	End
563.021	1/1/2017	
563.021	1/1/1979	1/1/2017

In accordance with Section 3.090, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.



- ▶ Other Information
- ▶ Other Links



Missouri Senate



MO.gov



Missouri House

Errors / suggestions -
WebMaster@LR.mo.gov



History and Fun Facts

©Missouri Legislature, all rights reserved.




@15:33:30.9 57 :)

Missouri Revisor of Statutes

Constitution Committee Publications

About Help & FAQ Other Information & Links 

Words 1st search term or section And 2nd search term  

Title **XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS**

Chapter **563**

  ● **Effective - 01 Jan 2017, 2 histories, see footnote** 

563.026. Justification generally. — 1. Unless inconsistent with other provisions of this chapter defining justifiable use of physical force, or with some other provision of law, conduct which would otherwise constitute any offense other than a class A felony or murder is justifiable and not criminal when it is necessary as an emergency measure to avoid an imminent public or private injury which is about to occur by reason of a situation occasioned or developed through no fault of the actor, and which is of such gravity that, according to ordinary standards of intelligence and morality, the desirability of avoiding the injury outweighs the desirability of avoiding the injury sought to be prevented by the statute defining the offense charged.

2. The necessity and justifiability of conduct under subsection 1 of this section may not rest upon considerations pertaining only to the morality and advisability of the statute, either in its general application or with respect to its application to a particular class of cases arising thereunder. Whenever evidence relating to the defense of justification under this section is offered, the court shall rule as a matter of law whether the claimed facts and circumstances would, if established, constitute a justification.

3. The defense of justification under this section is an affirmative defense.

(L. 1977 S.B. 60, A.L. 2014 S.B. 491)

Effective 1-01-17

---- end of effective **01 Jan 2017** ----
use this link to bookmark section **563.026**

- All versions

	Effective	End
563.026	1/1/2017	
563.026	1/1/1979	1/1/2017

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.



- ▶ **Other Information**
- ▶ **Other Links**



Missouri Senate



MO.gov



Missouri House

Errors / suggestions -
WebMaster@LR.mo.gov



History and Fun Facts

©Missouri Legislature, all rights reserved.



@15:34:26.5 55 :)

Missouri
Revisor of Statutes

Constitution Committee Publications

About Help & FAQ Other Information & Links ↓

Words ▾ 1st search term or section And ▾ 2nd search term 🔍 ?

Title XXXVIII CRIMES AND PUNISHMENT; PEACE OFFICERS AND PUBLIC DEFENDERS

Chapter 563

📄 📄 ● **Effective - 01 Jan 2017, 4 histories, see footnote** ↓

563.046. Law enforcement officer's use of force in making an arrest. — 1. A law enforcement officer need not retreat or desist from efforts to effect the arrest, or from efforts to prevent the escape from custody, of a person he or she reasonably believes to have committed an offense because of resistance or threatened resistance of the arrestee. In addition to the use of physical force authorized under other sections of this chapter, a law enforcement officer is, subject to the provisions of subsections 2 and 3, justified in the use of such physical force as he or she reasonably believes is immediately necessary to effect the arrest or to prevent the escape from custody.

2. The use of any physical force in making an arrest is not justified under this section unless the arrest is lawful or the law enforcement officer reasonably believes the arrest is lawful, and the amount of physical force used was objectively reasonable in light of the totality of the particular facts and circumstances confronting the officer on the scene, without regard to the officer's underlying intent or motivation.

3. In effecting an arrest or in preventing an escape from custody, a law enforcement officer is justified in using deadly force only:

(1) When deadly force is authorized under other sections of this chapter; or

(2) When the officer reasonably believes that such use of deadly force is immediately necessary to effect the arrest or prevent an escape from custody and also reasonably believes that the person to be arrested:

(a) Has committed or attempted to commit a felony offense involving the infliction or threatened infliction of serious physical injury; or

(b) Is attempting to escape by use of a deadly weapon or dangerous instrument;
or

(c) May otherwise endanger life or inflict serious physical injury to the officer or others unless arrested without delay.

4. The defendant shall have the burden of injecting the issue of justification under this section.

(L. 1977 S.B. 60, A.L. 2016 H.B. 2332)

Effective 1-01-17

---- end of effective 01 Jan 2017 ----
use this link to bookmark section 563.046

- All versions

	Effective	End
563.046	1/1/2017	
563.046	1/1/2017	1/1/2017
563.046	7/13/2016	1/1/2017
563.046	1/1/1979	7/13/2016

In accordance with Section **3.090**, the language of statutory sections enacted during a legislative session are updated and available on this website **on the effective date** of such enacted statutory section.



- ▶ Other Information
- ▶ Other Links



Missouri Senate



MO.gov



Missouri House

Errors / suggestions -
WebMaster@LR.mo.gov



History and Fun Facts

©Missouri Legislature, all rights reserved.



@15:34:56.2 61 :)