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**Police Use of Deadly Force**

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In 1985, the Supreme Court, in the case of *Tennessee v. Garner*, held that deadly force may not be used unless it is necessary to prevent the escape of a fleeing felon and the officer has probable cause to believe that the suspect poses a significant threat of death or serious physical injury to the officer or others. Prior to this Supreme Court decision, common law allowed the use of whatever force was necessary to effect the arrest of a fleeing felon, including deadly force. The following statutes represent the codification of police use of deadly force policies in the states.<sup>1</sup>

**Alabama:** § 13A-3-27

A peace officer is justified in using deadly physical force upon another person when and to the extent that he reasonably believes it necessary in order: (1) To make an arrest for a felony or to prevent the escape from custody of a person arrested for a felony, unless the officer knows that the arrest is unauthorized; or (2) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force.

**Alaska:** § 11.81.370

The officer may use deadly force only when and to the extent the officer reasonably believes the use of deadly force is necessary to make the arrest or terminate the escape or attempted escape from custody of a person the officer reasonably believes (1) has committed or attempted to commit a felony which involved the use of force against a person; (2) has escaped or is attempting to escape from custody while in possession of a firearm on or about the person; or (3) may otherwise endanger life or inflict serious physical injury unless arrested without delay.

(b) The use of force in making an arrest or stop is not justified under this section unless the peace officer reasonably believes the arrest or stop is lawful.

**Arizona:** § 13-410

The use of deadly force by a peace officer against another is justified only when the peace officer reasonably believes that it is necessary: 1. To defend himself or a third person from what the peace officer reasonably believes to be the use or imminent use of deadly physical force. 2. To effect an arrest

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<sup>1</sup> States not listed do not have a statute specifically addressing police use of deadly force. Those states are Louisiana, Maryland, Massachusetts, Michigan, Montana, Ohio, South Carolina, Vermont, Virginia, West Virginia, Wisconsin, and Wyoming.

or prevent the escape from custody of a person whom the peace officer reasonably believes: (a) Has committed, attempted to commit, is committing or is attempting to commit a felony involving the use or a threatened use of a deadly weapon. (b) Is attempting to escape by use of a deadly weapon. (c) Through past or present conduct of the person which is known by the peace officer that the person is likely to endanger human life or inflict serious bodily injury to another unless apprehended without delay. (d) Is necessary to lawfully suppress a riot if the person or another person participating in the riot is armed with a deadly weapon.

**Arkansas: § 5-2-610**

(b) A law enforcement officer is justified in using deadly physical force upon another person if the law enforcement officer reasonably believes that the use of deadly physical force is necessary to:

(1) Effect an arrest or to prevent the escape from custody of an arrested person whom the law enforcement officer reasonably believes has committed or attempted to commit a felony and is presently armed or dangerous; or (2) Defend himself or herself or a third person from what the law enforcement officer reasonably believes to be the use or imminent use of deadly physical force.

**California: Penal Code § 835a**

A peace officer is justified in using deadly force upon another person only when the officer reasonably believes, based on the totality of the circumstances, that such force is necessary for either of the following reasons: (A) To defend against an imminent threat of death or serious bodily injury to the officer or to another person. (B) To apprehend a fleeing person for any felony that threatened or resulted in death or serious bodily injury, if the officer reasonably believes that the person will cause death or serious bodily injury to another unless immediately apprehended. Where feasible, a peace officer shall, prior to the use of force, make reasonable efforts to identify themselves as a peace officer and to warn that deadly force may be used, unless the officer has objectively reasonable grounds to believe the person is aware of those facts.

(2) A peace officer shall not use deadly force against a person based on the danger that person poses to themselves, if an objectively reasonable officer would believe the person does not pose an imminent threat of death or serious bodily injury to the peace officer or to another person.

**Colorado: § 18-1-707**

(2) A peace officer is justified in using deadly physical force upon another person ... only when he reasonably believes that it is necessary: (a) To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; or (b) To effect an arrest, or to prevent the escape from custody, of a person whom he reasonably believes: (I) Has committed or attempted to commit a felony involving the use or threatened use of a deadly weapon; or (II) Is attempting to escape by the use of a deadly weapon; or (III) Otherwise indicates, except through a motor vehicle violation, that he is likely to endanger human life or to inflict serious bodily injury to another unless apprehended without delay.

**Connecticut: § 53a-22**

A peace officer ... is justified in using deadly physical force upon another person ... only when he or she reasonably believes such to be necessary to: (1) Defend himself or herself or a third person from the use

or imminent use of deadly physical force; or (2) (A) effect an arrest of a person whom he or she reasonably believes has committed or attempted to commit a felony which involved the infliction or threatened infliction of serious physical injury, or (B) prevent the escape from custody of a person whom he or she reasonably believes has committed a felony which involved the infliction or threatened infliction of serious physical injury and if, where feasible under this subdivision, he or she has given warning of his or her intent to use deadly physical force.

**Delaware: Tit. 11 § 467**

(c) The use of deadly force is justifiable under this section if all other reasonable means of apprehension have been exhausted, and: (1) The defendant believes the arrest is for any crime involving physical injury or threat thereof, and the deadly force is directed at a vehicle to disable it for the purpose of effecting the arrest, or the defendant believes the arrest is for a felony involving physical injury or threat thereof; (2) The defendant believes that the force employed creates no substantial risk of injury to innocent persons; and (3) The defendant believes that there is a substantial risk that the person to be arrested will cause death or serious physical injury, or will never be captured if apprehension is delayed.

(e) The use of force upon or toward the person of another is justifiable when the defendant believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious physical injury upon the person's self or committing a crime involving or threatening physical injury, damage to or loss of property or a breach of the peace, except that the use of deadly force is not justifiable under this subsection unless: (1) The defendant believes that there is a substantial risk that the person whom the defendant seeks to prevent from committing a crime will cause death or serious physical injury to another unless the commission of the crime is prevented and that the use of deadly force presents no substantial risk of injury to innocent persons; or (2) The defendant believes that the use of deadly force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any manner that the law may require, that such force will be used if they do not obey.

(f) The use of deadly force is justifiable under this section if the defendant is attempting to arrest an individual that has taken a hostage, and has refused to comply with an order to release the hostage; and (1) The defendant believes that the use of force is necessary to prevent physical harm to any person taken hostage, or the defendant has been ordered by an individual the defendant believes possesses superior authority or knowledge to apply the use of force; and (2) The defendant believes that the force employed creates no substantial risk of injury to innocent persons; and (3) The defendant or a person of superior authority or knowledge who order the use of deadly force believes that there is a substantial risk that the person to be arrested will cause death or serious physical injury.

**Florida: § 776.05**

... this subsection shall not constitute a defense in any civil action for damages brought for the wrongful use of deadly force unless the use of deadly force was necessary to prevent the arrest from being defeated by such flight and, when feasible, some warning had been given, and: (a) The officer reasonably believes that the fleeing felon poses a threat of death or serious physical harm to the officer or others; or (b) The officer reasonably believes that the fleeing felon has committed a crime involving the infliction or threatened infliction of serious physical harm to another person.

**Georgia: § 17-4-20**

Sheriffs and peace officers ... may use deadly force to apprehend a suspected felon only when the officer reasonably believes that the suspect possesses a deadly weapon or any object, device, or instrument which, when used offensively against a person, is likely to or actually does result in serious bodily injury; when the officer reasonably believes that the suspect poses an immediate threat of physical violence to the officer or others; or when there is probable cause to believe that the suspect has committed a crime involving the infliction or threatened infliction of serious physical harm.

**Hawaii: § 703-307**

The use of deadly force is not justifiable under this section unless: (a) The arrest is for a felony; (b) The person effecting the arrest is authorized to act as a law enforcement officer or is assisting a person whom he believes to be authorized to act as a law enforcement officer; (c) The actor believes that the force employed creates no substantial risk of injury to innocent persons; and (d) The actor believes that: (i) The crimes for which the arrest is made involved conduct including the use or threatened use of deadly force; or (ii) There is a substantial risk that the person to be arrested will cause death or serious bodily injury if his apprehension is delayed.

**Idaho: § 18-4011**

Homicide is justifiable when committed by public officers and those acting by their command in their aid and assistance, either: 1. In obedience to any judgment of a competent court; or 2. When reasonably necessary in overcoming actual resistance to the execution of some legal process, or in the discharge of any other legal duty including suppression of riot or keeping and preserving the peace. Use of deadly force shall not be justified in overcoming actual resistance unless the officer has probable cause to believe that the resistance poses a threat of death or serious physical injury to the officer or to other persons; or 3. When reasonably necessary in preventing rescue or escape or in retaking inmates who have been rescued or have escaped from any jail, or when reasonably necessary in order to prevent the escape of any person charged with or suspected of having committed a felony, provided the officer has probable cause to believe that the inmate, or persons assisting his escape, or the person suspected of or charged with the commission of a felony poses a threat of death or serious physical injury to the officer or other persons.

**Illinois: Ch. 720 § 5/7-5**

[A peace officer] is justified in using force likely to cause death or great bodily harm only when he reasonably believes that such force is necessary to prevent death or great bodily harm to himself or such other person, or when he reasonably believes both that: (1) Such force is necessary to prevent the arrest from being defeated by resistance or escape; and (2) The person to be arrested has committed or attempted a forcible felony which involves the infliction or threatened infliction of great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay.

**Indiana: § 35-41-3-3**

...an officer is justified in using deadly force only if the officer: (1) has probable cause to believe that that deadly force is necessary: (A) to prevent the commission of a forcible felony; or (B) to effect an arrest of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the

officer or a third person; and (2) has given a warning, if feasible, to the person against whom the deadly force is to be used.

(d) A law enforcement officer who has an arrested person in custody is justified in using the same force to prevent the escape of the arrested person from custody that the officer would be justified in using if the officer was arresting that person. However, an officer is justified in using deadly force only if the officer: (1) has probable cause to believe that deadly force is necessary to prevent the escape from custody of a person who the officer has probable cause to believe poses a threat of serious bodily injury to the officer or a third person; and (2) has given a warning, if feasible, to the person against whom the deadly force is to be used.

**Iowa: § 804.8**

... the use of deadly force is only justified when a person cannot be captured any other way and either of the following apply: a. The person has used or threatened to use deadly force in committing a felony. b. The peace officer reasonably believes the person would use deadly force against any person unless immediately apprehended.

**Kansas: § 21-5227**

... such officer is justified in using deadly force only when such officer reasonably believes that such force is necessary to prevent death or great bodily harm to such officer or another person, or when such officer reasonably believes that such force is necessary to prevent the arrest from being defeated by resistance or escape and such officer has probable cause to believe that the person to be arrested has committed or attempted to commit a felony involving death or great bodily harm or is attempting to escape by use of a deadly weapon, or otherwise indicates that such person will endanger human life or inflict great bodily harm unless arrested without delay.

**Kentucky: § 503.090**

The use of deadly physical force by a defendant upon another person is justifiable ... only when: (a) The defendant, in effecting the arrest, is authorized to act as a peace officer; and (b) The arrest is for a felony involving the use or threatened use of physical force likely to cause death or serious physical injury; and (c) The defendant believes that the person to be arrested is likely to endanger human life unless apprehended without delay.

(3) The use of physical force, including deadly physical force, by a defendant upon another person is justifiable when the defendant is preventing the escape of an arrested person and when the force could justifiably have been used to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be necessary to prevent the escape of a person from jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

**Maine: Tit. 17-a § 107**

A law enforcement officer is justified in using deadly force only when the officer reasonably believes such force is necessary: A. For self-defense or to defend a 3rd person from what the officer reasonably believes is the imminent use of unlawful deadly force; or B. To effect an arrest or prevent the escape from arrest of a person when the law enforcement officer reasonably believes that the person has

committed a crime involving the use or threatened use of deadly force, is using a dangerous weapon in attempting to escape or otherwise indicates that the person is likely to endanger seriously human life or to inflict serious bodily injury unless apprehended without delay; and (1) The law enforcement officer has made reasonable efforts to advise the person that the officer is a law enforcement officer attempting to effect an arrest or prevent the escape from arrest and the officer has reasonable grounds to believe that the person is aware of this advice; or (2) The law enforcement officer reasonably believes that the person to be arrested otherwise knows that the officer is a law enforcement officer attempting to effect an arrest or prevent the escape from arrest.

**Minnesota: § 609.066**

... the use of deadly force by a peace officer in the line of duty is justified only when necessary: (1) to protect the peace officer or another from apparent death or great bodily harm; (2) to effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or (3) to effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

**Mississippi: § 97-3-15**

The killing of a human being by the act, procurement or omission of another shall be justifiable in the following cases: (a) When committed by public officers ... in obedience to any judgment of a competent court; (b) When necessarily committed by public officers ... in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty; (c) When necessarily committed by public officers ... in retaking any felon who has been rescued or has escaped; (d) When necessarily committed by public officers ... in arresting any felon fleeing from justice;

(2)(a) As used in subsection (1)(c) and (d) of this section, the term "when necessarily committed" means that a public officer ... is authorized to use such force as necessary in securing and detaining the felon offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm; but such officer ... shall not be authorized to resort to deadly or dangerous means when to do so would be unreasonable under the circumstances. The public officer ... may act upon a reasonable apprehension of the surrounding circumstances; however, such officer ... shall not use excessive force or force that is greater than reasonably necessary in securing and detaining the offender, overcoming the offender's resistance, preventing the offender's escape, recapturing the offender if the offender escapes or in protecting himself or others from bodily harm.

**Missouri: § 563.046**

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.

**Nebraska: § 28-1412**

... the use of force upon or toward the person of another is justifiable when the actor is making or assisting in making an arrest and the actor believes that such force is immediately necessary to effect a lawful arrest.

(3) The use of deadly force is not justifiable under this section unless: (a) The arrest is for a felony; (b) Such person effecting the arrest is authorized to act as a peace officer or is assisting a person whom he believes to be authorized to act as a peace officer; (c) The actor believes that the force employed creates no substantial risk of injury to innocent persons; and (d) The actor believes that: (i) The crime for which the arrest is made involved conduct including the use or threatened use of deadly force; or (ii) There is a substantial risk that the person to be arrested will cause death or serious bodily harm if his apprehension is delayed.

(4) The use of force to prevent the escape of an arrested person from custody is justifiable when the force could justifiably have been employed to effect the arrest under which the person is in custody, except that a guard or other person authorized to act as a peace officer is justified in using any force, including deadly force, which he believes to be immediately necessary to prevent the escape of a person from a jail, prison, or other institution for the detention of persons charged with or convicted of a crime.

**Nevada: § 200.140**

Homicide is justifiable when committed by a public officer, or person acting under the command and in the aid of the public officer, in the following cases: 1. In obedience to the judgment of a competent court. 2. When necessary to overcome actual resistance to the execution of the legal process, mandate or order of a court or officer, or in the discharge of a legal duty. 3. When necessary: (a) In retaking an escaped or rescued prisoner who has been committed, arrested for, or convicted of a felony; (b) In attempting, by lawful ways or means, to apprehend or arrest a person; (c) In lawfully suppressing a riot or preserving the peace; or (d) In protecting against an imminent threat to the life of a person.

**New Hampshire: § 627:5**

A law enforcement officer is justified in using deadly force only when he reasonably believes such force is necessary: (a) To defend himself or a third person from what he reasonably believes is the imminent use of deadly force; or (b) To effect an arrest or prevent the escape from custody of a person whom he reasonably believes: (1) Has committed or is committing a felony involving the use of force or violence, is using a deadly weapon in attempting to escape, or otherwise indicates that he is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay; and (2) He had made reasonable efforts to advise the person that he is a law enforcement officer attempting to effect an arrest and has reasonable grounds to believe that the person is aware of these facts.

**New Jersey: § 2C:3-7**

... the use of force upon or toward the person of another is justifiable when the actor is making or assisting in making an arrest and the actor reasonably believes that such force is immediately necessary to effect a lawful arrest.

(2) The use of deadly force is not justifiable under this section unless: (a) The actor effecting the arrest is authorized to act as a peace officer or has been summoned by and is assisting a person whom he reasonably believes to be authorized to act as a peace officer; and (b) The actor reasonably believes that the force employed creates no substantial risk of injury to innocent persons; and (c) The actor reasonably believes that the crime for which the arrest is made was homicide, kidnapping, an offense under 2C:14-2 or 2C:14-3, arson, robbery, burglary of a dwelling, or an attempt to commit one of these crimes; and (d) The actor reasonably believes: (i) There is an imminent threat of deadly force to himself or a third party; or (ii) The use of deadly force is necessary to thwart the commission of a crime as set forth in subparagraph (c) of this paragraph; or (iii) The use of deadly force is necessary to prevent an escape.

**New Mexico: § 30-2-6**

Homicide is justifiable when committed by a public officer or public employee or those acting by their command and in their aid and assistance: (1) in obedience to any judgment of a competent court; (2) when necessarily committed in overcoming actual resistance to the execution of some legal process or to the discharge of any other legal duty; (3) when necessarily committed in retaking felons who have been rescued or who have escaped or when necessarily committed in arresting felons fleeing from justice; or (4) when necessarily committed in order to prevent the escape of a felon from any place of lawful custody or confinement.

B. For the purposes of this section, homicide is necessarily committed when a public officer or public employee has probable cause to believe he or another is threatened with serious harm or deadly force while performing those lawful duties described in this section. Whenever feasible, a public officer or employee should give warning prior to using deadly force.

**New York: Penal Law § 35.30**

A police officer or a peace officer, in the course of effecting or attempting to effect an arrest, or of preventing or attempting to prevent the escape from custody, of a person whom he or she reasonably believes to have committed an offense, may use physical force when and to the extent he or she reasonably believes such to be necessary to effect the arrest, or to prevent the escape from custody, or in self-defense or to defend a third person from what he or she reasonably believes to be the use or imminent use of physical force; except that deadly physical force may be used for such purposes only when he or she reasonably believes that: (a) The offense committed by such person was: (i) a felony or an attempt to commit a felony involving the use or attempted use or threatened imminent use of physical force against a person; or (ii) kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or (b) The offense committed or attempted by such person was a felony and that, in the course of resisting arrest therefor or attempting to escape from custody, such person is armed with a firearm or deadly weapon; or (c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the police officer or peace officer or another person from what the officer reasonably believes to be the use or imminent use of deadly physical force.



**North Carolina: § 15A-401**

A law-enforcement officer is justified in using deadly physical force upon another person for a purpose specified in subdivision (1) of this subsection only when it is or appears to be reasonably necessary thereby: a. To defend himself or a third person from what he reasonably believes to be the use or imminent use of deadly physical force; b. To effect an arrest or to prevent the escape from custody of a person who he reasonably believes is attempting to escape by means of a deadly weapon, or who by his conduct or any other means indicates that he presents an imminent threat of death or serious physical injury to others unless apprehended without delay; or c. To prevent the escape of a person from custody imposed upon him as a result of conviction for a felony.

**North Dakota: § 12.1-05-07**

Deadly force is justified in the following instances: ... d. When used by a public servant authorized to effect arrests or prevent escapes, if the force is necessary to effect an arrest or to prevent the escape from custody of an individual who has committed or attempted to commit a felony involving violence, or is attempting to escape by the use of a deadly weapon, or has otherwise indicated that the individual is likely to endanger human life or to inflict serious bodily injury unless apprehended without delay.

**Oklahoma: Tit. 21 § 732**

A peace officer, correctional officer, or any person acting by his command in his aid and assistance, is justified in using deadly force when: 1. The officer is acting in obedience to and in accordance with any judgment of a competent court in executing a penalty of death; or 2. In effecting an arrest or preventing an escape from custody following arrest and the officer reasonably believes both that: a. such force is necessary to prevent the arrest from being defeated by resistance or escape, and b. there is probable cause to believe that the person to be arrested has committed a crime involving the infliction or threatened infliction of serious bodily harm, or the person to be arrested is attempting to escape by use of a deadly weapon, or otherwise indicates that he will endanger human life or inflict great bodily harm unless arrested without delay; or 3. The officer is in the performance of his legal duty or the execution of legal process and reasonably believes the use of the force is necessary to protect himself or others from the infliction of serious bodily harm; or 4. The force is necessary to prevent an escape from a penal institution or other place of confinement used primarily for the custody of persons convicted of felonies or from custody while in transit thereto or therefrom unless the officer has reason to know: a. the person escaping is not a person who has committed a felony involving violence, and b. the person escaping is not likely to endanger human life or to inflict serious bodily harm if not apprehended.

**Oregon: §161.239**

a peace officer may use deadly physical force only when the peace officer reasonably believes that:

- (a) The crime committed by the person was a felony or an attempt to commit a felony involving the use or threatened imminent use of physical force against a person; or
- (b) The crime committed by the person was kidnapping, arson, escape in the first degree, burglary in the first degree or any attempt to commit such a crime; or
- (c) Regardless of the particular offense which is the subject of the arrest or attempted escape, the use of deadly physical force is necessary to defend the peace officer or another person from the use or threatened imminent use of deadly physical force; or
- (d) The crime committed by the person was a felony or an attempt to commit a felony and under the totality of the circumstances existing at the time and place, the use of such force is necessary; or
- (e) The officer's life or personal safety is endangered in the particular circumstances involved.

**Pennsylvania:** Tit. 18 § 508

A peace officer ... is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:

- (i) such force is necessary to prevent the arrest from being defeated by resistance or escape; and
- (ii) the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.

**Rhode Island:** §12-7-9

A police officer may use force dangerous to human life to make a lawful arrest for committing or attempting to commit a felony, whenever he or she reasonably believes that force dangerous to human life is necessary to effect the arrest and that the person to be arrested is aware that a peace officer is attempting to arrest him or her.

**South Dakota:** § 22-16-32

Homicide is justifiable if committed by a law enforcement officer ... : (1) If necessarily committed in overcoming actual resistance to the execution of some legal process, or to the discharge of any other legal duty; or (2) If necessarily committed in retaking felons who have been rescued or who have escaped; or (3) If necessarily committed in arresting felons fleeing from justice.

**Tennessee:** § 39-11-620

... the officer may use deadly force to effect an arrest only if all other reasonable means of apprehension have been exhausted or are unavailable, and where feasible, the officer has given notice of the officer's identity as such and given a warning that deadly force may be used unless resistance or flight ceases, and: (1) The officer has probable cause to believe the individual to be arrested has committed a felony involving the infliction or threatened infliction of serious bodily injury; or (2) The officer has probable cause to believe that the individual to be arrested poses a threat of serious bodily injury, either to the officer or to others unless immediately apprehended.

**Texas:** Penal Code § 9.51

A peace officer is justified in using deadly force against another when and to the degree the peace officer reasonably believes the deadly force is immediately necessary to make an arrest, or to prevent escape after arrest, if the use of force would have been justified under Subsection (a) and: (1) the actor reasonably believes the conduct for which arrest is authorized included the use or attempted use of deadly force; or (2) the actor reasonably believes there is a substantial risk that the person to be arrested will cause death or serious bodily injury to the actor or another if the arrest is delayed.

**Utah:** §76-2-404

A peace officer ... is justified in using deadly force when: (a) the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death under Subsection 77-18-5.5(2), (3), or (4); (b) effecting an arrest or preventing an escape from custody following an arrest, where the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and (i) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or (ii) the

officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to others if apprehension is delayed; or (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or another person.

(2) If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (1)(b) or (1)(c).

**Washington: § 9A.16.040**

Homicide or the use of deadly force is justifiable in the following cases: (a) When a public officer applies deadly force in obedience to the judgment of a competent court; or (b) When necessarily used by a peace officer meeting the good faith standard of this section to overcome actual resistance to the execution of the legal process, mandate, or order of a court or officer, or in the discharge of a legal duty; or (c) When necessarily used by a peace officer meeting the good faith standard of this section or person acting under the officer's command and in the officer's aid: (i) To arrest or apprehend a person who the officer reasonably believes has committed, has attempted to commit, is committing, or is attempting to commit a felony; (ii) To prevent the escape of a person from a federal or state correctional facility or in retaking a person who escapes from such a facility; (iii) To prevent the escape of a person from a county or city jail or holding facility if the person has been arrested for, charged with, or convicted of a felony; or (iv) To lawfully suppress a riot if the actor or another participant is armed with a deadly weapon.

(2) In considering whether to use deadly force under subsection (1)(c) of this section, to arrest or apprehend any person for the commission of any crime, the peace officer must have probable cause to believe that the suspect, if not apprehended, poses a threat of serious physical harm to the officer or a threat of serious physical harm to others. Among the circumstances which may be considered by peace officers as a "threat of serious physical harm" are the following: (a) The suspect threatens a peace officer with a weapon or displays a weapon in a manner that could reasonably be construed as threatening; or (b) There is probable cause to believe that the suspect has committed any crime involving the infliction or threatened infliction of serious physical harm.

Under these circumstances deadly force may also be used if necessary to prevent escape from the officer, where, if feasible, some warning is given, provided the officer meets the good faith standard of this section.

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\*This does not represent an exhaustive list of state laws; statutes may be edited or summarized.