

By: Crockett, Sherman, Sr., Patterson,
Reynolds, Cook

H.B. No. 1750

Substitute the following for H.B. No. 1750:

By: Collier

C.S.H.B. No. 1750

A BILL TO BE ENTITLED

AN ACT

relating to the use of force or deadly force in defense of a person.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 9.31(a), Penal Code, is amended to read
as follows:

(a) Except as provided in Subsection (b), a person is
justified in using force against another when and to the degree the
actor reasonably believes the force is immediately necessary to
protect the actor against the other's use or attempted use of
unlawful force. The actor's belief that the force was immediately
necessary as described by this subsection is presumed to be
reasonable if the actor:

(1) knew or had reason to believe that the person
against whom the force was used:

(A) unlawfully and with force entered, or was
attempting to enter unlawfully and with force, the actor's occupied
habitation, vehicle, or place of business or employment;

(B) unlawfully and with force removed, or was
attempting to remove unlawfully and with force, the actor from the
actor's habitation, vehicle, or place of business or employment; or

(C) was committing or attempting to commit
aggravated kidnapping, murder, sexual assault, aggravated sexual
assault, robbery, or aggravated robbery;

(2) did not provoke the person against whom the force

1 was used; [~~and~~]

2 (3) was not otherwise engaged in criminal activity,
3 other than a Class C misdemeanor that is a violation of a law or
4 ordinance regulating traffic at the time the force was used; and

5 (4) had received consent or otherwise had a right to be
6 present at the location where the force was used.

7 SECTION 2. Section 9.32(b), Penal Code, is amended to read
8 as follows:

9 (b) The actor's belief under Subsection (a)(2) that the
10 deadly force was immediately necessary as described by that
11 subdivision is presumed to be reasonable if the actor:

12 (1) knew or had reason to believe that the person
13 against whom the deadly force was used:

14 (A) unlawfully and with force entered, or was
15 attempting to enter unlawfully and with force, the actor's occupied
16 habitation, vehicle, or place of business or employment;

17 (B) unlawfully and with force removed, or was
18 attempting to remove unlawfully and with force, the actor from the
19 actor's habitation, vehicle, or place of business or employment; or

20 (C) was committing or attempting to commit an
21 offense described by Subsection (a)(2)(B);

22 (2) did not provoke the person against whom the force
23 was used; [~~and~~]

24 (3) was not otherwise engaged in criminal activity,
25 other than a Class C misdemeanor that is a violation of a law or
26 ordinance regulating traffic at the time the force was used; and

27 (4) had received consent or otherwise had a right to be

1 present at the location where the force was used.

2 SECTION 3. The changes in law made by this Act apply only to
3 an offense committed on or after the effective date of this Act. An
4 offense committed before the effective date of this Act is governed
5 by the law in effect on the date the offense was committed, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, an offense was committed before the effective date of
8 this Act if any element of the offense occurred before that date.

9 SECTION 4. This Act takes effect September 1, 2021.