

By: Dutton

H.B. No. 1955

A BILL TO BE ENTITLED

AN ACT

relating to the use of deadly force to make an arrest.

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

SECTION 1. Sections 9.51(c) and (d), Penal Code, are amended to read as follows:

(c) 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:

(1) the use of force would have been justified under Subsection (a);

(2) the person to be arrested or attempting to escape after arrest possesses a deadly weapon; and

(3) ~~+~~

~~(1)~~ the peace officer ~~[actor]~~ reasonably believes:

(A) the conduct for which arrest is authorized included the use or attempted use of deadly force; or

(B) ~~[(2) the actor reasonably believes]~~ there is a substantial risk that the person to be arrested or attempting to escape after arrest will cause death or serious bodily injury to the actor or another if the arrest or apprehension is delayed.

(d) A person other than a peace officer acting in a peace officer's presence and at his direction is justified in using deadly force against another when and to the degree the person

1 reasonably believes the deadly force is immediately necessary to  
2 make a lawful arrest, or to prevent escape after a lawful arrest,  
3 if:

4           (1) the use of force would have been justified under  
5 Subsection (b);

6           (2) the person to be arrested or attempting to escape  
7 after arrest possesses a deadly weapon; and

8           (3) [~~+~~  
9 [~~(1)~~] the actor reasonably believes:

10           (A) the felony or offense against the public  
11 peace for which arrest is authorized included the use or attempted  
12 use of deadly force; or

13           (B) [~~(2) the actor reasonably believes~~] there  
14 is a substantial risk that the person to be arrested will cause  
15 death or serious bodily injury to another if the arrest or  
16 apprehension is delayed.

17           SECTION 2. The change in law made by this Act applies only  
18 to an offense committed on or after the effective date of this Act.  
19 An offense committed before the effective date of this Act is  
20 governed by the law in effect on the date the offense was committed,  
21 and the former law is continued in effect for that purpose. For  
22 purposes of this section, an offense was committed before the  
23 effective date of this Act if any element of the offense occurred  
24 before that date.

25           SECTION 3. This Act takes effect September 1, 2021.