

By: Springer
(Moody)

S.B. No. 2593

Substitute the following for S.B. No. 2593:

By: Moody

C.S.S.B. No. 2593

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for certain assaultive offenses involving the use or exhibition of a less-lethal projectile device by a peace officer.

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

SECTION 1. Chapter 22, Penal Code, is amended by adding Section 22.065 to read as follows:

Sec. 22.065. DEFENSE TO CERTAIN ASSAULTIVE OFFENSES INVOLVING LESS-LETHAL PROJECTILE DEVICE. (a) In this section, "less-lethal projectile device" means any weapon, device, or munition that deploys a projectile that is designed or intended to temporarily incapacitate the target while minimizing the risk of serious bodily injury or death.

(b) It is a defense to prosecution of an offense under Section 22.01, 22.02, or 22.05 that:

(1) the conduct constituting the threat or bodily injury resulted from the use or exhibition of a less-lethal projectile device;

(2) the actor reasonably believed the use or exhibition of the device was immediately necessary to accomplish the actor's official duties as a peace officer;

(3) the actor did not intentionally, knowingly, or recklessly cause serious bodily injury or death when using or exhibiting the device; and

- 1 (4) the actor used or exhibited the device in
2 substantial compliance with:
3 (A) the actor's training;
4 (B) the policies and procedures of the law
5 enforcement agency employing the actor; and
6 (C) the manufacturer's instructions for the
7 device.

8 SECTION 2. The change in law made by this Act applies only
9 to an offense committed on or after the effective date of this Act.
10 An offense committed before the effective date of this Act is
11 governed by the law in effect on the date the offense was committed,
12 and the former law is continued in effect for that purpose. For
13 purposes of this section, an offense was committed before the
14 effective date of this Act if any element of the offense occurred
15 before that date.

16 SECTION 3. This Act takes effect September 1, 2023.