

By: Virdell, Guillen, Isaac, et al.

H.B. No. 2458

A BILL TO BE ENTITLED

AN ACT

relating to a defense to prosecution for the offense of aggravated assault.

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

SECTION 1. Section 22.02, Penal Code, is amended by adding Subsection (a-1) to read as follows:

(a-1) It is a defense to prosecution under Subsection (a)(2) that the actor threatened to cause death or serious bodily injury by exhibiting a deadly weapon if:

(1) the actor's threat would be justified under Chapter 9; and

(2) the actor reasonably believed that creating an apprehension that the actor would use the deadly weapon was immediately necessary to defend the actor against another's use or attempted use of unlawful force or deadly force.

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

SECTION 3. This Act takes effect September 1, 2025.