

By: Flores

S.B. No. 2570

A BILL TO BE ENTITLED

AN ACT

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

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

SECTION 1. Chapter 8, Penal Code, is amended by adding Section 8.09 to read as follows:

Sec. 8.09. DEFENSE TO CERTAIN OFFENSES INVOLVING USE OF LESS-LETHAL PROJECTILE. (a) In this section, "less-lethal projectile" means any projectile that is designed, made, or adapted to temporarily incapacitate a target while minimizing the risk of serious bodily injury or death.

(b) In the prosecution of a peace officer for an offense under this code that resulted in bodily injury or serious bodily injury to or the death of an individual, it is a defense to prosecution that:

(1) the injury or death resulted from the use of a less-lethal projectile;

(2) the peace officer reasonably believed that the use of the projectile was objectively reasonable to accomplish the officer's official duties as a peace officer;

(3) the peace officer did not intentionally, knowingly, or recklessly cause the injury or death when using the projectile; and

(4) the peace officer used the projectile in

1 substantial compliance with:

2 (A) the peace officer's training;

3 (B) the policies and procedures of the law
4 enforcement agency employing the peace officer; and

5 (C) the manufacturer's instructions for the use
6 of the projectile.

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

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