

By: Howard

H.B. No. 842

A BILL TO BE ENTITLED

AN ACT

relating to limiting the liability of a person for certain damages arising out of the person's use of force.

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

SECTION 1. The heading for Chapter 83, Civil Practice and Remedies Code, is amended to read as follows:

CHAPTER 83. USE OF ~~[DEADLY]~~ FORCE ~~[IN DEFENSE OF PERSON]~~

SECTION 2. Chapter 83, Civil Practice and Remedies Code, is amended by adding Section 83.002 to read as follows:

Sec. 83.002. CIVIL LIABILITY FOR USE OF FORCE. (a) In this section, "use of force" includes the use of deadly force.

(b) A person is not liable for damages for personal injury or death arising out of a use of force by the person against another if the use of force is justified under Chapter 9, Penal Code.

(c) A person convicted of an offense arising out of the use of force may not assert that the use of force is justified under this section.

(d) There is an irrebuttable presumption that a person's use of force is justified under this section if:

(1) the person is found not guilty of each offense arising out of the use of force with which the person is charged;

(2) a grand jury declines to indict the person for an offense arising out of the use of force; or

(3) the prosecutor having jurisdiction to prosecute an

1 offense arising out of the use of force declines to prosecute the
2 person who used the force for an offense arising out of the use of
3 force.

4 (e) If a claimant files an action to which the section
5 applies against a person charged with an offense arising out of the
6 use of force alleged to have caused the claimant's damages, the
7 action is stayed until the charge against the person is finally
8 adjudicated without further option for appeal.

9 SECTION 3. Section 83.001, Civil Practice and Remedies
10 Code, is repealed.

11 SECTION 4. The change in law made by this Act applies only
12 to a use of force on or after the effective date of this Act. A use
13 of force before the effective date of this Act is governed by the
14 law in effect immediately before that date, and that law is
15 continued in effect for that purpose.

16 SECTION 5. This Act takes effect September 1, 2003.