

By: Haggerty

H.B. No. 924

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the arrest of a person without a warrant for the offense
3 of criminal trespass.

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

5 SECTION 1. Article 14.01(a), Code of Criminal Procedure, is
6 amended to read as follows:

7 (a) A peace officer or any other person, may, without a
8 warrant, arrest an offender when the offense is committed in his
9 presence or within his view, if the offense is one classed as a
10 felony, ~~[or as]~~ an offense against the public peace, or criminal
11 trespass under Section 30.05, Penal Code.

12 SECTION 2. Section 9.51(d), Penal Code, is amended to read
13 as follows:

14 (d) A person other than a peace officer acting in a peace
15 officer's presence and at his direction is justified in using
16 deadly force against another when and to the degree the person
17 reasonably believes the deadly force is immediately necessary to
18 make a lawful arrest, or to prevent escape after a lawful arrest, if
19 the use of force would have been justified under Subsection (b) and:

20 (1) the actor reasonably believes the felony, the ~~[or]~~
21 offense against the public peace, or the offense of criminal
22 trespass under Section 30.05 for which arrest is authorized
23 included the use or attempted use of deadly force; or

24 (2) the actor reasonably believes there is a

1 substantial risk that the person to be arrested will cause death or
2 serious bodily injury to another if the arrest is delayed.

3 SECTION 3. This Act takes effect September 1, 2007.