

A BILL TO BE ENTITLED

AN ACT

relating to the use of force or deadly force against another in defense of a third person.

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

SECTION 1. Section 9.33, Penal Code, is amended to read as follows:

Sec. 9.33. DEFENSE OF THIRD PERSON. (a) A person is justified in using force or deadly force against another to protect a third person if:

(1) under the circumstances as the actor reasonably believes them to be, the actor would be justified under Section 9.31 or 9.32 in using force or deadly force to protect himself against the unlawful force or unlawful deadly force he reasonably believes to be threatening the third person he seeks to protect; and

(2) the actor reasonably believes that his intervention is immediately necessary to protect the third person.

(b) For purposes of this section, "third person" does not include:

(1) a human embryo that exists outside of a woman's body; or

(2) an unborn child unless the actor is a pregnant woman who is carrying that child.

SECTION 2. This Act takes effect September 1, 2011.