

BILL ANALYSIS

S.B. 1416
By: Deuell
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law establishes circumstances under which a person is justified in using force against another when and to the degree the actor reasonably believes force is immediately necessary in self-defense. However, interested parties note that there is a loophole under which a defendant who is a convicted felon could illegally possess and use a firearm against another and claim self-defense as a justification for using that force. S.B. 1416 seeks to close this loophole and to establish that the use of force by such a person is not justified under statutory provisions regarding self-defense.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

S.B. 1416 amends the Penal Code to establish that the use of force against another in self-defense is not justified if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was possessing a firearm in violation of the offense of unlawful possession of a firearm by a convicted felon.

EFFECTIVE DATE

September 1, 2013.