

By: Deuell
(Flynn)

S.B. No. 1416

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the determination of whether a use of force against
3 another is justified.

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

5 SECTION 1. Subsection (b), Section 9.31, Penal Code, is
6 amended to read as follows:

7 (b) The use of force against another is not justified:

8 (1) in response to verbal provocation alone;

9 (2) to resist an arrest or search that the actor knows
10 is being made by a peace officer, or by a person acting in a peace
11 officer's presence and at his direction, even though the arrest or
12 search is unlawful, unless the resistance is justified under
13 Subsection (c);

14 (3) if the actor consented to the exact force used or
15 attempted by the other;

16 (4) if the actor provoked the other's use or attempted
17 use of unlawful force, unless:

18 (A) the actor abandons the encounter, or clearly
19 communicates to the other his intent to do so reasonably believing
20 he cannot safely abandon the encounter; and

21 (B) the other nevertheless continues or attempts
22 to use unlawful force against the actor; or

23 (5) if the actor sought an explanation from or
24 discussion with the other person concerning the actor's differences

1 with the other person while the actor was:

2 (A) carrying a weapon in violation of Section
3 46.02; [~~or~~]

4 (B) possessing or transporting a weapon in
5 violation of Section 46.05; or

6 (C) possessing a firearm in violation of Section
7 46.04.

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

16 SECTION 3. This Act takes effect September 1, 2013.