

1-1 By: Deuell S.B. No. 1416  
 1-2 (In the Senate - Filed March 7, 2013; March 18, 2013, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 25, 2013, reported favorably by the following vote: Yeas 5,  
 1-5 Nays 0; April 25, 2013, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Huffman	X			
1-9 Carona			X	
1-10 Hinojosa			X	
1-11 Patrick	X			
1-12 Rodriguez	X			
1-13 Schwertner	X			

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to the determination of whether a use of force against  
 1-18 another is justified.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Subsection (b), Section 9.31, Penal Code, is  
 1-21 amended to read as follows:

1-22 (b) The use of force against another is not justified:

1-23 (1) in response to verbal provocation alone;

1-24 (2) to resist an arrest or search that the actor knows  
 1-25 is being made by a peace officer, or by a person acting in a peace  
 1-26 officer's presence and at his direction, even though the arrest or  
 1-27 search is unlawful, unless the resistance is justified under  
 1-28 Subsection (c);

1-29 (3) if the actor consented to the exact force used or  
 1-30 attempted by the other;

1-31 (4) if the actor provoked the other's use or attempted  
 1-32 use of unlawful force, unless:

1-33 (A) the actor abandons the encounter, or clearly  
 1-34 communicates to the other his intent to do so reasonably believing  
 1-35 he cannot safely abandon the encounter; and

1-36 (B) the other nevertheless continues or attempts  
 1-37 to use unlawful force against the actor; or

1-38 (5) if the actor sought an explanation from or  
 1-39 discussion with the other person concerning the actor's differences  
 1-40 with the other person while the actor was:

1-41 (A) carrying a weapon in violation of Section  
 1-42 46.02; ~~or~~

1-43 (B) possessing or transporting a weapon in  
 1-44 violation of Section 46.05; or

1-45 (C) possessing a firearm in violation of Section  
 1-46 46.04.

1-47 SECTION 2. The change in law made by this Act applies only  
 1-48 to an offense committed on or after the effective date of this Act.  
 1-49 An offense committed before the effective date of this Act is  
 1-50 governed by the law in effect on the date the offense was committed,  
 1-51 and the former law is continued in effect for that purpose. For  
 1-52 purposes of this section, an offense was committed before the  
 1-53 effective date of this Act if any element of the offense occurred  
 1-54 before that date.

1-55 SECTION 3. This Act takes effect September 1, 2013.

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