

BILL ANALYSIS

C.S.H.B. 1750
By: Crockett
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

In Texas, a person may use deadly force in self-defense or in the protection of family and property. However, a current loophole has allowed trespassers and violent criminals to get away with grievously harming or killing another human by claiming self-defense. C.S.H.B. 1750 seeks to remedy this situation by revising the conditions under which the use of force or deadly force is presumed to be reasonable.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

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

C.S.H.B. 1750 amends the Penal Code to expand the requisite conditions under which a person's belief that force or deadly force was immediately necessary is presumed to be reasonable to include that the person had received consent or otherwise had a right to be present at the location where the force was used.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1750 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The original prohibited a finder of fact from considering the defense for a mistake of fact in determining whether an actor was engaged in criminal activity at the time the force or deadly force was used by a person not otherwise engaged in certain criminal activity, whereas the substitute expands the requisite conditions under which a person's belief that force or deadly force was immediately necessary is presumed to be reasonable.