

By: Frazier

H.B. No. 106

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to a defense to prosecution for certain assaultive  
3 offenses involving the use or exhibition of a less-lethal  
4 projectile device by a peace officer.

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

6 SECTION 1. Chapter 22, Penal Code, is amended by adding  
7 Section 22.065 to read as follows:

8 Sec. 22.065. DEFENSE TO CERTAIN ASSAULTIVE OFFENSES  
9 INVOLVING LESS-LETHAL PROJECTILE DEVICE BY PEACE OFFICER. (a) In  
10 this section, "less-lethal projectile device" means any weapon,  
11 device, or munition that deploys a projectile that is designed or  
12 intended to temporarily incapacitate the target while minimizing  
13 the risk of serious bodily injury or death.

14 (b) It is a defense to prosecution of an offense under  
15 Section 22.01, 22.02, 22.04, or 22.05 that:

16 (1) the conduct constituting the offense involved the  
17 use or exhibition of a less-lethal projectile device;

18 (2) the actor used or exhibited the device while  
19 discharging the actor's official duties as a peace officer; and

20 (3) the actor did not intend to cause serious bodily  
21 injury or death when using or exhibiting the device.

22 SECTION 2. The change in law made by this Act applies to  
23 conduct that occurs before, on, or after the effective date of this  
24 Act, except that a final conviction for an offense that exists on

1 the effective date of this Act is unaffected by this Act.

2 SECTION 3. This Act takes effect on the 91st day after the  
3 last day of the legislative session.