

By: Frazier

H.B. No. 48

A BILL TO BE ENTITLED

AN ACT

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

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

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

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

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

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

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

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

SECTION 2. The change in law made by this Act applies to conduct that occurs before, on, or after the effective date of this 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.