

BILL ANALYSIS

Senate Research Center
88R20942 MCF-F

S.B. 2593
By: Springer
Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Law enforcement officers are legally justified to utilize force in many situations to bring suspects to justice, to protect others, and for personal defense. Criminal justice research has persistently demonstrated that a small percentage of police encounters with the public involve using force. While extreme uses of force often garner media attention, lesser levels of force are used regularly by police without public notice.

The data shows that less-than-lethal devices, such as tasers or beanbag rounds, can reduce injury rates for suspects and officers compared to other more lethal options, such as firearms. To encourage peace officers to rely on less-than-lethal devices, the legislation provides peace officers a defense to prosecution when using these devices when attempting to prevent harm or death to a suspect.

Rulemaking authority:

The author's opinion is that the bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

Fiscal note:

No significant fiscal implication to the state is anticipated.

Author's summary analysis:

The bill defines "less-lethal projectile device" for the purposes of the legislation. The bill provides a defense to prosecution for peace officer who uses a "less-lethal projectile device" from:

- assault (Section 22.01, Penal Code);
- aggravated assault (Section 22.02, Penal Code);
- injury to a child, elderly individual, or disabled individual (Section 22.04, Penal Code);
or
- deadly conduct (Section 22.05, Penal Code).

Provided the conduct constituting the offense involved the use or exhibition of a less-lethal projectile device; while discharging the actor's official duties as a peace officer; and the actor did not intend to cause serious bodily injury or death when using or exhibiting the device.

Effective date:

On passage, or, if the bill does not receive the necessary vote, September 1, 2023

As proposed, S.B. 2593 amends current law 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.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 22, Penal Code, by adding Section 22.065, as follows:

Sec. 22.065. DEFENSE TO CERTAIN ASSAULTIVE OFFENSES INVOLVING LESS-LETHAL PROJECTILE DEVICE BY PEACE OFFICER. (a) Defines "less-lethal projectile device."

(b) Provides that it is a defense to prosecution of an offense under Section 22.01 (Assault), 22.02 (Aggravated Assault), 22.04 (Injury to a Child, Elderly Individual, or Disabled Individual), or 22.05 (Deadly Conduct) that the conduct constituting the offense involved the use or exhibition of a less-lethal projectile device, the actor used or exhibited the device while discharging the actor's official duties as a peace officer, and the actor did not intend to cause serious bodily injury or death when using or exhibiting the device.

SECTION 2. Provides that 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 the effective date of this Act is unaffected by this Act.

SECTION 3. Effective date: September 1, 2023.