

By: Garcia

H.B. No. 4179

A BILL TO BE ENTITLED

AN ACT

relating to assertion of immunity and application of certain laws in certain actions brought against peace officers.

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

SECTION 1. Title 5, Civil Practice and Remedies Code, is amended by adding Chapter 108A to read as follows:

CHAPTER 108A. PUBLIC SERVANT LIABILITY

Sec. 108A.001. ASSERTION OF IMMUNITY AND APPLICATION OF CERTAIN LAWS IN ACTIONS AGAINST PEACE OFFICERS. (a) A claimant in an action against a state or local peace officer for a claim arising from the officer's use of force may prove by a preponderance of the evidence that the claim for which the action is brought is based on an action taken by the officer that did not comply with the standard use of force that a peace officer of reasonable and ordinary prudence would use in similar circumstances.

(b) In an action for which the claimant satisfies Subsection (a):

(1) the peace officer may not assert official immunity or other forms of immunity as a defense to the action; and

(2) Sections 101.106(f) and 108.002 do not apply to the action.

SECTION 2. Section 108A.001, Civil Practice and Remedies Code, as added by this Act, applies only to an action filed on or after the effective date of this Act.

1 SECTION 3. This Act takes effect September 1, 2023.