

By: Morales of Maverick

H.B. No. 4249

A BILL TO BE ENTITLED

AN ACT

relating to a law enforcement agency's use of deadly force by means of a drone.

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

SECTION 1. Section 9.54, Penal Code, is amended by amending Subsection (b) and adding Subsection (c) to read as follows:

(b) Notwithstanding any other law and subject to Subsection (c), the use of force, including deadly force, involving a drone is justified under this subchapter only if:

(1) at the time the use of force occurred, the actor was employed by a law enforcement agency;

(2) the use of force:

(A) would have been justified under another provision of this subchapter; and

(B) did not involve the use of deadly force by means of an autonomous drone; and

(3) before the use of force occurred, the law enforcement agency employing the actor adopted and submitted to the Texas Commission on Law Enforcement a policy on the agency's use of force by means of a drone, as required by Article 2.33, Code of Criminal Procedure, and the use of force conformed to the requirements of that policy.

(c) The use of deadly force involving a drone is justified under Subsection (b) only if:

1           (1) the actor reasonably believes that the use of  
2 deadly force by means of a drone is necessary to protect the actor  
3 or another from an imminent threat of death or serious bodily  
4 injury; and

5           (2) before the actor's use of deadly force occurred,  
6 the head of the law enforcement agency employing the actor, on a  
7 case-by-case basis, specifically approved the actor's use of deadly  
8 force by means of a drone.

9           SECTION 2. The change in law made by this Act applies only  
10 to an offense committed on or after the effective date of this Act.  
11 An offense committed before the effective date of this Act is  
12 governed by the law in effect on the date the offense was committed,  
13 and the former law is continued in effect for that purpose. For  
14 purposes of this section, an offense was committed before the  
15 effective date of this Act if any element of the offense occurred  
16 before that date.

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