

By: Guillen

H.B. No. 111

A BILL TO BE ENTITLED

AN ACT

relating to civil liability arising out of justified uses of or threats to use force or deadly force.

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

SECTION 1. Section 83.001, Civil Practice and Remedies Code, is amended to read as follows:

Sec. 83.001. CIVIL IMMUNITY. (a) A defendant who uses or threatens to use force or deadly force that is justified under Chapter 9, Penal Code, is immune from civil liability for personal injury or death that results from the defendant's use of or threat to use force or deadly force, as applicable.

(b) A defendant who uses or threatens to use force or deadly force is presumed to be justified under Chapter 9, Penal Code, and immune from liability if:

(1) a grand jury declines to indict the defendant for the use or threatened use of force or deadly force; or

(2) a criminal charge for an offense involving the use or threatened use of force or deadly force results in acquittal or is dismissed.

SECTION 2. Chapter 83, Civil Practice and Remedies Code, is amended by adding Section 83.002 to read as follows:

Sec. 83.002. ATTORNEY'S FEES; COSTS AND EXPENSES. A defendant who is found to be immune from liability under Section 83.001 is entitled to recover reasonable attorney's fees, court

1 costs, lost income, and other expenses incurred by the defendant in  
2 connection with the action.

3       SECTION 3. The change in law made by this Act applies only  
4 to a cause of action that accrues on or after the effective date of  
5 this Act. A cause of action that accrues before the effective date  
6 of this Act is governed by the law applicable to the cause of action  
7 immediately before the effective date of this Act, and that law is  
8 continued in effect for that purpose.

9       SECTION 4. This Act takes effect on the 91st day after the  
10 last day of the legislative session.