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| BILL ANALYSIS |

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| C.S.H.B. 2436 |
| By: Hefner |
| Homeland Security, Public Safety & Veterans' Affairs |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** The bill author has informed the committee that Texas is the only state with an offense of deadly conduct, and while other states have created offenses that are more explicitly associated with the unlawful use of firearms, Texas takes a more general approach, which has resulted in district attorney's offices in Travis, Bexar, and Dallas Counties charging officers with the offense of deadly conduct for lawful actions taken while in the official discharge of their duties. Furthermore, the bill author has informed the committee that the reason behind the Texas Legislature's creation of the offense of deadly conduct was to provide law enforcement officers and prosecutors a method to combat the rise of gang violence and, more specifically, drive-by shootings in Texas. C.S.H.B. 2436 seeks to address these issues by providing peace officers engaged in the actual discharge of their official duties certain protections against being charged with the offense of deadly conduct.  |
| **CRIMINAL JUSTICE IMPACT**It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision. |
| **RULEMAKING AUTHORITY** It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** C.S.H.B. 2436 amends the Penal Code to establish that, for purposes of the conduct that constitutes the offense of deadly conduct, the presumption of recklessness and danger when the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded does not apply to a peace officer engaged in the actual discharge of the officer's official duties. The bill also exempts a peace officer engaged in the actual discharge of the officer's official duties from the application of the offense of deadly conduct involving knowingly discharging a firearm at or in the direction of one or more individuals.C.S.H.B. 2436 applies only to an offense committed on or after the bill's effective date. An offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose. For these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date. |
| **EFFECTIVE DATE** September 1, 2025. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 2436 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.Whereas the introduced created an exception to the application of the offense of deadly conduct that the actor was engaged in the actual discharge of official duties as a peace officer at the time of the offense and reasonably believed their conduct was necessary or justified under applicable state law relating to self-defense, deadly force in the defense of a person, and the defense of a third person, the substitute exempts a peace officer engaged in the actual discharge of the officer's official duties from the application of the offense of deadly conduct involving knowingly discharging a firearm at or in the direction of one or more individuals. Additionally, the substitute includes a provision absent from the introduced exempting such a peace officer from the presumption of recklessness and danger, for purposes of the conduct that constitutes the offense of deadly conduct, when the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded.Accordingly, whereas the introduced applied to conduct that occurred before, on, or after the bill's effective date, but established that a final conviction for an offense that existed on that date is unaffected by the bill, the substitute instead applies only to an offense committed on or after the bill's effective date. The substitute also includes applicability provisions absent from the introduced establishing the following: * an offense committed before the bill's effective date is governed by the law in effect on the date the offense was committed, and the former law is continued in effect for that purpose; and
* for these purposes, an offense was committed before the bill's effective date if any element of the offense occurred before that date.
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