**BILL ANALYSIS**

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| Senate Research Center | S.B. 1637 |
| 89R8929 LHC-F | By: King |
|  | Criminal Justice |
|  | 3/21/2025 |
|  | As Filed |

**AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

A peace officer's primary duty is to protect and serve their community. This includes running towards danger and confronting individuals wishing to harm others or themselves. Recently, peace officers have been charged under the deadly conduct statute for actions taken in their regular course of duties.

Under the deadly conduct statute, an individual can be charged if they are recklessly placing another in imminent danger of serious bodily injury or knowingly discharging a firearm at or in the direction of a person, habitation, building or vehicle whether the habitation, building or vehicle is occupied or not. The original purpose of the deadly conduct statute was to combat rising gang violence which included dangerously and recklessly discharging a firearm. This statute was never intended to be used against a peace officer whose role is to enter life-threatening situations and use their firearm as a requirement of their work.

S.B. 1637 seeks to amend the deadly conduct statute to draw a clear distinction between a peace officer who is acting within their duty to uphold law and order and a criminal who carries a firearm to facilitate a criminal defense. This bill protects Texas peace officers from unnecessary and burdensome prosecution for performing acts justified under the course and scope of the duties of a law enforcement officer.

As proposed, S.B. 1637 amends current law relating to an exception to the application of the offense of deadly conduct for certain peace officers discharging official duties.

**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 Section 22.05, Penal Code, by adding Subsection (f) to provide that it is an exception to the application of Section 22.05 (Deadly Conduct) that, at the time of the offense, the actor was engaged in the actual discharge of official duties as a peace officer, and the actor reasonably believed the actor's conduct was necessary or justified under Section 9.31 (Self-Defense), 9.32 (Deadly Force in Defense of Person), or 9.33 (Defense of Third Person).

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, 2025.