

BILL ANALYSIS

Senate Research Center

S.B. 1637
By: King
Criminal Justice
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Enrolled

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.

(Original Author/Sponsor's Statement of Intent)

S.B. 1637 amends current law relating to the prosecution of the offense of deadly conduct.

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 amending Subsection (c) and adding Subsection (f), as follows:

(c) Provides that, except as otherwise provided by this subsection, recklessness and danger are presumed if the actor knowingly pointed a firearm at or in the direction of another whether or not the actor believed the firearm to be loaded. Provides that the presumption under this subsection does not apply to a peace officer engaged in the lawful discharge of the officer's official duties. Makes a nonsubstantive change.

(f) Provides that Subsection (b)(1) (relating to providing that a person commits an offense if the person knowingly discharges a firearm at or in the direction of one or more individuals) does not apply to a peace officer if, at the time of the offense, the officer was engaged in the actual discharge of the officer's official duties and reasonably believed the discharge of the officer's firearm was justified under Chapter 9 (Justification Excluding Criminal Responsibility).

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.