

BILL ANALYSIS

C.S.S.B. 1730
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State law establishes a defense to criminal prosecution for individuals who are justified in their use of force, such as for self defense. However, the law does not specifically address the potential civil liability arising out of a threat to use justified force or of a person for whom a grand jury declines to indict for justified use of force or for whom criminal charges have been dismissed or acquitted. C.S.S.B. 1730 seeks to ensure that individuals who use justified force or threaten to use justified force will not suffer civil penalties or face unnecessary expenses by granting these individuals immunity from civil liability and entitling them to recover expenses for a related civil action.

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.S.B. 1730 amends the Civil Practice and Remedies Code to expand the scope of the provision granting a defendant who uses force or deadly force that is justified under state law immunity from civil liability for personal injury or death that results from the defendant's use of force or deadly force by making such immunity also applicable to a defendant's threat to use force or deadly force that is justified. The bill establishes that a defendant who uses or threatens to use force or deadly force is presumed to be justified under state law and immune from liability if either of the following apply:

- a grand jury declines to indict the defendant for the use or threatened use of force or deadly force; or
- a criminal charge for an offense involving the use or threatened use of force or deadly force results in acquittal or is dismissed.

C.S.S.B. 1730 entitles a defendant who is found to be immune from liability for their use or threat to use force or deadly force to recover reasonable attorney's fees, court costs, lost income, and other expenses incurred by the defendant in connection with the action.

C.S.S.B. 1730 applies only to a cause of action that accrues on or after the bill's effective date. A cause of action that accrues before the bill's effective date is governed by the law applicable to the cause of action immediately before the bill's effective date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1730 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes provisions absent from the engrossed that do the following:

- expand the scope of the provision granting a defendant who uses force or deadly force that is justified under state law immunity from civil liability for personal injury or death that results from the defendant's use of force or deadly force by making such immunity also applicable to a defendant's threat to use force or deadly force that is justified;
- establish that a defendant who uses or threatens to use force or deadly force is presumed to be justified under state law and immune from liability if a grand jury declines to indict the defendant for the use or threatened use of force or deadly force or if a criminal charge for an offense involving the use or threatened use of force or deadly force results in acquittal or is dismissed; and
- entitle a defendant who is found to be immune from liability for their use or threat to use force or deadly force to recover reasonable attorney's fees, court costs, lost income, and other expenses incurred by the defendant in connection with the action.

The substitute omits provisions of the engrossed that did the following:

- prohibited a claimant from recovering damages for personal injury or death that results from a defendant's act constituting the use of force or deadly force if:
 - a grand jury finds no bill of indictment for criminal charges based on the act;
 - a court in a criminal proceeding orders a dismissal of criminal charges based on the act; or
 - the defendant is acquitted of criminal charges based on the act; and
- made a claimant who is barred from recovery under statutory provisions relating to the use of force or deadly force liable to the defendant for court costs and reasonable attorney's fees incurred in defending against the barred claim.

The substitute changes the bill's effective date to take effect September 1, 2025, with no possibility for immediate effect, whereas the engrossed provided for the bill's possible immediate effect, contingent on receiving the requisite constitutional vote.