

## **BILL ANALYSIS**

Senate Research Center  
89R4611 LHC-D

S.B. 2570  
By: Flores  
Criminal Justice  
4/4/2025  
As Filed

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

Law enforcement officers are legally justified to utilize force in many situations to bring suspects to justice, to protect others, and for personal defense. Lesser levels of force are used regularly by police without public notice and with great success in deescalating dangerous situations. Less-than-lethal devices, such as tasers or pepper-spray, can reduce injury rates for suspects and officers. To encourage peace officers to rely on less-than-lethal devices, this legislation provides peace officers a defense to prosecution when using these devices when attempting to prevent harm or death to the public, officers, and suspects in dangerous situations.

S.B. 2570 applies to peace officers and guards employed by a correctional facility and defines "less-lethal force weapon" as:

- (1) any weapon, device, or munition that is designed, made, or adapted to expel a projectile or multiple projectiles against a target to temporarily incapacitate the target while minimizing the risk of serious bodily injury or death;
- (2) a chemical dispensing device;
- (3) a device used to strike a person; or
- (4) a "stun gun" as defined by Texas Penal Code Section 38.14.

Less-lethal force is justified to the degree necessary to accomplish the person's official duties if the use of the weapon is in substantial compliance with the person's training.

As proposed, S.B. 2570 amends current law relating to a defense to prosecution for certain offenses involving the use of a less-lethal projectile by a peace officer.

### **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 Chapter 8, Penal Code, by adding Section 8.09, as follows:

Sec. 8.09. DEFENSE TO CERTAIN OFFENSES INVOLVING USE OF LESS-LETHAL PROJECTILE. (a) Defines "less-lethal projectile."

(b) Provides that, in the prosecution of a peace officer for an offense under the Penal Code that resulted in bodily injury or serious bodily injury to or the death of an individual, it is a defense to prosecution that the injury or death resulted from the use of a less-lethal projectile, the peace officer reasonably believed that the use of the projectile was objectively reasonable to accomplish the officer's official duties as a peace officer, the peace officer did not intentionally, knowingly, or recklessly cause the injury or death when using the projectile, and the peace

officer used the projectile in substantial compliance with certain training, policies, procedures, and instructions..

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: September 1, 2025.