

By: Dutton

H.B. No. 2648

A BILL TO BE ENTITLED

AN ACT

relating to the use of deadly force to make an arrest.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 9.51(c) and (d), Penal Code, are amended to read as follows:

(c) A peace officer is justified in using deadly force against another when and to the degree the peace officer reasonably believes the deadly force is immediately necessary to make an arrest, or to prevent escape after arrest, if:

(1) the use of force would have been justified under Subsection (a);

(2) the person to be arrested or attempting to escape after arrest possesses a deadly weapon; and

(3) [+

~~(1)~~ the peace officer ~~[actor]~~ reasonably believes:

(A) the conduct for which arrest is authorized included the use or attempted use of deadly force; or

(B) ~~[(2) the actor reasonably believes]~~ there is a substantial risk that the person to be arrested or attempting to escape after arrest will cause death or serious bodily injury to the actor or another if the arrest or apprehension is delayed.

(d) A person who is not ~~[other than]~~ a peace officer but is acting in a peace officer's presence and at the officer's ~~[his]~~ direction is justified in using deadly force against another when

1 and to the degree the person reasonably believes the deadly force is
2 immediately necessary to make a lawful arrest, or to prevent escape
3 after a lawful arrest, if:

4 (1) the use of force would have been justified under
5 Subsection (b);

6 (2) the person to be arrested or attempting to escape
7 after arrest possesses a deadly weapon; and

8 (3) [~~+~~
9 [~~(1)~~] the actor reasonably believes:

10 (A) the felony or offense against the public
11 peace for which arrest is authorized included the use or attempted
12 use of deadly force; or

13 (B) [~~(2) the actor reasonably believes~~] there
14 is a substantial risk that the person to be arrested or attempting
15 to escape after arrest will cause death or serious bodily injury to
16 another if the arrest or apprehension is delayed.

17 SECTION 2. The change in law made by this Act applies only
18 to an offense committed on or after the effective date of this Act.
19 An offense committed before the effective date of this Act is
20 governed by the law in effect on the date the offense was committed,
21 and the former law is continued in effect for that purpose. For
22 purposes of this section, an offense was committed before the
23 effective date of this Act if any element of the offense occurred
24 before that date.

25 SECTION 3. This Act takes effect September 1, 2025.