

By: Isaac

H.B. No. 2879

A BILL TO BE ENTITLED

AN ACT

relating to the justified use of force, including deadly force, by certain persons on certain residential property or manufactured home community property.

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

SECTION 1. Section 82.002(c-1), Property Code, is amended to read as follows:

(c-1) Sections [Section] 82.121 and 82.122 apply [applies] to a condominium for which the declaration was recorded before January 1, 1994.

SECTION 2. Subchapter C, Chapter 82, Property Code, is amended by adding Section 82.122 to read as follows:

Sec. 82.122. JUSTIFIED USE OF FORCE ON CONDOMINIUM PROPERTY. (a) An association or board may not levy a fine or otherwise take adverse action against a unit owner based on the use of force, including deadly force, that is justified under Chapter 9, Penal Code, on condominium property by:

- (1) the unit owner;
- (2) a tenant or guest of the unit owner; or
- (3) a guest of a tenant of the unit owner.

(b) For purposes of this section, there is an irrebuttable presumption that a person's use of force is justified if:

- (1) the person is found not guilty of each offense arising out of the use of force with which the person is charged;

1           (2) a grand jury declines to indict the person for an  
2 offense arising out of the use of force; or

3           (3) the prosecutor having jurisdiction to prosecute an  
4 offense arising out of the use of force declines to prosecute the  
5 person who used the force for an offense arising out of the use of  
6 force.

7           (c) This section applies notwithstanding any provision of a  
8 dedicatory instrument to the contrary and regardless of the date of  
9 the provision's adoption.

10           SECTION 3. Subchapter A, Chapter 92, Property Code, is  
11 amended by adding Section 92.027 to read as follows:

12           Sec. 92.027. JUSTIFIED USE OF FORCE ON LEASED PREMISES. (a)  
13 A landlord may not evict or threaten to evict a tenant based on the  
14 use of force, including deadly force, that is justified under  
15 Chapter 9, Penal Code, on the premises by:

16                   (1) the tenant; or

17                   (2) a guest of the tenant.

18           (b) For purposes of this section, there is an irrebuttable  
19 presumption that a person's use of force is justified if:

20                   (1) the person is found not guilty of each offense  
21 arising out of the use of force with which the person is charged;

22                   (2) a grand jury declines to indict the person for an  
23 offense arising out of the use of force; or

24                   (3) the prosecutor having jurisdiction to prosecute an  
25 offense arising out of the use of force declines to prosecute the  
26 person who used the force for an offense arising out of the use of  
27 force.

1 SECTION 4. Subchapter F, Chapter 94, Property Code, is  
2 amended by adding Section 94.258 to read as follows:

3 Sec. 94.258. JUSTIFIED USE OF FORCE ON LEASED PREMISES. (a)  
4 A landlord may not evict or threaten to evict a tenant based on the  
5 use of force, including deadly force, that is justified under  
6 Chapter 9, Penal Code, on the premises by:

7 (1) the tenant; or

8 (2) a guest of the tenant.

9 (b) For purposes of this section, there is an irrebuttable  
10 presumption that a person's use of force is justified if:

11 (1) the person is found not guilty of each offense  
12 arising out of the use of force with which the person is charged;

13 (2) a grand jury declines to indict the person for an  
14 offense arising out of the use of force; or

15 (3) the prosecutor having jurisdiction to prosecute an  
16 offense arising out of the use of force declines to prosecute the  
17 person who used the force for an offense arising out of the use of  
18 force.

19 SECTION 5. Sections 92.027 and 94.258, Property Code, as  
20 added by this Act, do not affect the enforceability of a provision  
21 in a lease agreement entered into or renewed before the effective  
22 date of this Act.

23 SECTION 6. This Act takes effect September 1, 2025.