

By: A. Davis of Dallas

H.B. No. 3267

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of force or deadly force in defense of a person.

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

4 SECTION 1. Section 9.31(a), Penal Code, is amended to read
5 as follows:

6 (a) Except as provided in Subsection (b), a person is
7 justified in using force against another when and to the degree the
8 actor reasonably believes the force is immediately necessary to
9 protect the actor against the other's use or attempted use of
10 unlawful force. The actor's belief that the force was immediately
11 necessary as described by this subsection is presumed to be
12 reasonable if the actor:

13 (1) knew or had reason to believe that the person
14 against whom the force was used:

15 (A) unlawfully and with force entered, or was
16 attempting to enter unlawfully and with force, the actor's occupied
17 habitation, vehicle, or place of business or employment or any
18 other building or vehicle in which the actor was lawfully present;

19 (B) unlawfully and with force removed, or was
20 attempting to remove unlawfully and with force, the actor from the
21 actor's habitation, vehicle, or place of business or employment or
22 any other location where the actor was lawfully present; or

23 (C) was committing or attempting to commit
24 aggravated kidnapping, murder, sexual assault, aggravated sexual

1 assault, robbery, or aggravated robbery;

2 (2) did not provoke the person against whom the force
3 was used; and

4 (3) was not otherwise engaged in criminal activity,
5 other than a Class C misdemeanor that is a violation of a law or
6 ordinance regulating traffic at the time the force was used.

7 SECTION 2. Section 9.32(b), Penal Code, is amended to read
8 as follows:

9 (b) The actor's belief under Subsection (a)(2) that the
10 deadly force was immediately necessary as described by that
11 subdivision is presumed to be reasonable if the actor:

12 (1) knew or had reason to believe that the person
13 against whom the deadly force was used:

14 (A) unlawfully and with force entered, or was
15 attempting to enter unlawfully and with force, the actor's occupied
16 habitation, vehicle, or place of business or employment or any
17 other building or vehicle in which the actor was lawfully present;

18 (B) unlawfully and with force removed, or was
19 attempting to remove unlawfully and with force, the actor from the
20 actor's habitation, vehicle, or place of business or employment or
21 any other location where the actor was lawfully present; or

22 (C) was committing or attempting to commit an
23 offense described by Subsection (a)(2)(B);

24 (2) did not provoke the person against whom the force
25 was used; and

26 (3) was not otherwise engaged in criminal activity,
27 other than a Class C misdemeanor that is a violation of a law or

1 ordinance regulating traffic at the time the force was used.

2 SECTION 3. The changes in law made by this Act apply only to
3 an offense committed on or after the effective date of this Act. An
4 offense committed before the effective date of this Act is governed
5 by the law in effect on the date the offense was committed, and the
6 former law is continued in effect for that purpose. For purposes of
7 this section, an offense was committed before the effective date of
8 this Act if any element of the offense occurred before that date.

9 SECTION 4. This Act takes effect September 1, 2025.