

By: Spiller

H.B. No. 3553

A BILL TO BE ENTITLED

AN ACT

relating to the use of deadly force in defense of property.

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

SECTION 1. Section 9.42, Penal Code, is amended to read as follows:

Sec. 9.42. DEADLY FORCE TO PROTECT PROPERTY. A person is justified in using deadly force against another to protect land or tangible, movable property:

(1) if the person [~~he~~] would be justified in using force against the other under Section 9.41; [~~and~~]

(2) when and to the degree the person [~~he~~] reasonably believes the deadly force is immediately necessary:

(A) to prevent the other's imminent commission of arson, burglary, robbery, aggravated robbery, theft [~~during the nighttime~~], or criminal mischief [~~during the nighttime~~]; or

(B) to prevent the other who is fleeing immediately after committing burglary, robbery, aggravated robbery, or theft [~~during the nighttime~~] from escaping with the property; and

(3) if the person [~~he~~] reasonably believes that:

(A) the land or property cannot be protected or recovered by any other means; or

(B) the use of force other than deadly force to protect or recover the land or property would expose the actor or

1 another to a substantial risk of death or serious bodily injury.

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

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