

By: Guillen

H.B. No. 5139

Substitute the following for H.B. No. 5139:

By: Hefner

C.S.H.B. No. 5139

A BILL TO BE ENTITLED

AN ACT

relating to a legal justification for the use of force with a less-lethal force weapon by a correctional facility guard or a peace officer.

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

SECTION 1. Subchapter E, Chapter 9, Penal Code, is amended by adding Section 9.55 to read as follows:

Sec. 9.55. USE OF LESS-LETHAL FORCE WEAPON. (a) In this section, "less-lethal force weapon" means:

(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 Section 38.14.

(b) This section applies only to a guard employed by a correctional facility or a peace officer.

(c) A person to whom this section applies is justified in using force with a less-lethal force weapon against another to the degree reasonably necessary to accomplish the person's official duties as a guard or officer if the person's use of the weapon was in substantial compliance with the person's training.

SECTION 2. The change in law made by this Act applies only

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

8 SECTION 3. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2025.