

By: Guillen

H.B. No. 5139

A BILL TO BE ENTITLED

AN ACT

relating to less-lethal force weapons, including a defense to prosecution for certain offenses involving the use of a less-lethal force weapon by a peace officer.

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

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

SEC. 9.55. DEFENSE INVOLVING USE OF A 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 Texas Penal Code Section 38.14.

(b) A guard employed by a correctional facility or a peace officer is justified in using force with a less-lethal force weapon against another to the degree reasonably necessary to accomplish the officer's duties if:

(1) the officer was justified in using force under Texas Penal Code Chapter 9; and

(2) the officer's use of the less-lethal force weapon

1 was in substantial compliance with the officer's training.

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

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