

By: West

S.B. No. 1421

A BILL TO BE ENTITLED

AN ACT

1  
2 Relating to less-lethal force weapons, including a defense to  
3 prosecution for certain offenses involving the use of a less lethal  
4 force weapon by a peace officer, and policies for law enforcement  
5 agencies concerning use of less-lethal force weapons.

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

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

9 SEC. 9.55. DEFENSE INVOLVING USE OF A LESS-LETHAL FORCE  
10 WEAPON.

11 (a) In this section, "less-lethal force weapon" means a  
12 weapon that expels a projectile that is designed, made, or adapted  
13 to temporarily incapacitate a target while minimizing the risk of  
14 serious bodily injury or death and includes a "stun gun" as defined  
15 by Section 38.14, Penal Code. A "stun gun" as defined in Art 38.14  
16 is considered a less-lethal weapon for the purposes of this  
17 section.

18 (b) In the prosecution of a peace officer or guard employed  
19 by a correctional facility under this code that resulted in the  
20 serious bodily injury or death of an individual from the officer's  
21 use of a less-lethal force weapon, the actor is justified in using a  
22 less-lethal force weapon if at the time the conduct charged:

23 (1) the actor reasonably believed the use of the  
24 less-lethal force weapon was immediately necessary to accomplish

1 the officer's official duties; and

2 (2)the actor's use of a less lethal force weapon was in  
3 compliance with:

4 (A) the actor's training;

5 (B) the policies and procedures of the law  
6 enforcement agency employing the actor;

7 (C) the manufacturer's instructions for use of  
8 the less lethal projectile;

9 (D) then existing state law and

10 (E) minimum standards of law enforcement agencies  
11 under Occupations Code 1701.163.

12 SECTION 2. Chapter 1701, Occupations Code, Sec. 1701.163 is  
13 amended by adding Sec. 1701.163(5)(A) to read as follows:

14 Sec. 1701.163. MINIMUM STANDARDS FOR LAW ENFORCEMENT  
15 AGENCIES. The commission, with input from an advisory committee,  
16 shall by rule establish minimum standards with respect to the  
17 creation or continued operation of a law enforcement agency based  
18 on the function, size, and jurisdiction of the agency, including:

19 (1) a determination regarding the public benefit of  
20 creating the agency in the community;

21 (2) the sustainable funding sources for the agency;

22 (3) the physical resources available to officers,  
23 including:

24 (A) all standard duty firearms;

25 (B)less lethal force weapons, including a  
26 requirement of at least one per officer on duty;

27 (C) effective communications equipment;

1 (D) protective equipment, including a requirement  
2 of at least one bullet-resistant vest per officer on duty;

3 (E) officer uniforms; and

4 (F) patrol vehicles and associated equipment;

5 (4) the physical facilities of the agency, including any  
6 evidence room, dispatch area, or public area;

7 (5) the policies of the agency, including policies on:

8 (A) use of force including but not limited to  
9 empty-hand techniques, firearms, and less lethal force weapons;

10 (B) vehicle pursuit;

11 (C) professional conduct of officers;

12 (D) domestic abuse protocols;

13 (E) response to missing persons;

14 (F) supervision of part-time officers;

15 (G) impartial policing;

16 (H) active shooters; and

17 (I) barricaded subjects;

18 SECTION 3. USE OUTSIDE CONFINES OF POLICY NOT PERMITTED.

19 (a) This section does not permit the use of a less-lethal force  
20 weapons by an officer outside the policy of a law enforcement agency  
21 or the model policy created by the Texas Commission on Law  
22 Enforcement Education under Occupations Code Sec. 1701.163(5)) or  
23 beyond what is permissible under other existing state law.

24 (b) A law enforcement agency issuing a less-lethal force  
25 weapon to an officer employed by the agency, or to an officer whose  
26 certification is held or sponsored by the agency, is required to  
27 adopt a policy approved by the Texas Commission on Law Enforcement

1 Education or use the model policy created by the Commission under  
2 Occupations Code Sec. 1701.163(5) and offer training on less lethal  
3 force weapons prior to issuing an officer employed by the agency, or  
4 an officer whose certification is held or sponsored by the agency, a  
5 less lethal force weapon.

6 (c) A law enforcement officer who is equipped with a less  
7 lethal force weapon shall be trained on each less lethal force  
8 weapon assigned and maintain and continue all certifications while  
9 equipped with a less lethal force weapon.

10 SECTION 4. The changes made by this Act apply only to an  
11 offense committed on or after the effective date of this Act. An  
12 offense committed before the effective date of this Act is governed  
13 by law in effect on the date that offense was committed, and the  
14 former law is continued in effect for that purpose. For the purposes  
15 of this Act, an offense was committed before the effective date of  
16 this Act if any element of the offense occurred before that date.

17 SECTION 5. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2025.