

By: Hagenbuch

S.B. No. 1601

A BILL TO BE ENTITLED

AN ACT

relating to the legal justification for using force or deadly force in response to the commission or attempted commission of a violent felony.

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

SECTION 1. Section 9.01, Penal Code, is amended by adding Subdivision (6) to read as follows:

(6) "Violent felony" means a felony offense under state law, federal law, or the laws of a federally recognized Indian tribe that has as an element the intentional or knowing use, attempted use, or threatened use of force or deadly force against any person.

SECTION 2. Section 9.31(a), Penal Code, is amended to read as follows:

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

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

(A) unlawfully and with force entered, or was

1 attempting to enter unlawfully and with force, the actor's occupied
2 habitation, vehicle, or place of business or employment;

3 (B) unlawfully and with force removed, or was
4 attempting to remove unlawfully and with force, the actor from the
5 actor's habitation, vehicle, or place of business or employment; or

6 (C) was committing or attempting to commit
7 aggravated kidnapping, murder, sexual assault, aggravated sexual
8 assault, robbery, ~~or~~ aggravated robbery, or another violent
9 felony;

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

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

15 SECTION 3. Section 9.32(a), Penal Code, is amended to read
16 as follows:

17 (a) A person is justified in using deadly force against
18 another:

19 (1) if the actor would be justified in using force
20 against the other under Section 9.31; and

21 (2) when and to the degree the actor reasonably
22 believes the deadly force is immediately necessary:

23 (A) to protect the actor against the other's use
24 or attempted use of unlawful deadly force; or

25 (B) to prevent the other's imminent commission of
26 aggravated kidnapping, murder, sexual assault, aggravated sexual
27 assault, robbery, ~~or~~ aggravated robbery, or another violent

1 felony.

2 SECTION 4. 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 5. This Act takes effect September 1, 2025.