By: Little H.B. No. 1085

A BILL TO BE ENTITLED

AN ACT

relating to the use of force by a peace officer to make an arrest or search.

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

SECTION 1. Section 9.51, Penal Code, is amended by adding Subsection (h) to read as follows:

(h) For purposes of this section, in determining the reasonableness of a peace officer's belief with respect to the use of force, including deadly force, the trier of fact shall consider:

(1) the use of force from the perspective of an objectively reasonable peace officer in the actor's position at the moment the force was used, rather than hindsight, without regard to the actor's underlying intent or motivation; and

(2) all facts and circumstances known to the actor at the time force was used, in their totality, including:

(A) the severity of the alleged offense to which the actor is responding;

(B) whether the person against whom force was used:

(i) posed an immediate threat to the safety of the actor or others;

(ii) was resisting arrest or attempting to evade arrest by fleeing; or

(iii) was armed or reasonably appeared to

be armed;

(C) the physical size, strength, and demeanor of the person against whom force was used;

(D) the number of persons the actor confronted;

(E) the amount of time available for the actor to have made the decision to use force;

(F) the actor's training and experience; and

(G) any other relevant circumstance existing at the time the force was used.

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

SECTION 3. This Act takes effect September 1, 2027.