

1-1 By: Springer S.B. No. 2593  
 1-2 (In the Senate - Filed April 3, 2023; April 5, 2023, read  
 1-3 first time and referred to Committee on Criminal Justice;  
 1-4 April 19, 2023, reported favorably by the following vote: Yeas 6,  
 1-5 Nays 1; April 19, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7 Whitmire	X			
1-8 Flores	X			
1-9 Bettencourt	X			
1-10 Hinojosa	X			
1-11 Huffman	X			
1-12 King	X			
1-13 Miles		X		

1-15 A BILL TO BE ENTITLED  
 1-16 AN ACT

1-17 relating to a defense to prosecution for certain assaultive  
 1-18 offenses involving the use or exhibition of a less-lethal  
 1-19 projectile device by a peace officer.

1-20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-21 SECTION 1. Chapter 22, Penal Code, is amended by adding  
 1-22 Section 22.065 to read as follows:

1-23 Sec. 22.065. DEFENSE TO CERTAIN ASSAULTIVE OFFENSES  
 1-24 INVOLVING LESS-LETHAL PROJECTILE DEVICE BY PEACE OFFICER. (a) In  
 1-25 this section, "less-lethal projectile device" means any weapon,  
 1-26 device, or munition that deploys a projectile that is designed or  
 1-27 intended to temporarily incapacitate the target while minimizing  
 1-28 the risk of serious bodily injury or death.

1-29 (b) It is a defense to prosecution of an offense under  
 1-30 Section 22.01, 22.02, 22.04, or 22.05 that:

1-31 (1) the conduct constituting the offense involved the  
 1-32 use or exhibition of a less-lethal projectile device;

1-33 (2) the actor used or exhibited the device while  
 1-34 discharging the actor's official duties as a peace officer; and

1-35 (3) the actor did not intend to cause serious bodily  
 1-36 injury or death when using or exhibiting the device.

1-37 SECTION 2. The change in law made by this Act applies to  
 1-38 conduct that occurs before, on, or after the effective date of this  
 1-39 Act, except that a final conviction for an offense that exists on  
 1-40 the effective date of this Act is unaffected by this Act.

1-41 SECTION 3. This Act takes effect September 1, 2023.

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