

BILL ANALYSIS

C.S.H.B. 170
By: Guillen
Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

State law establishes a defense to criminal prosecution for individuals who are justified in their use of force, such as for self defense. However, the law does not specifically address the potential civil liability arising out of a threat to use justified force or of a person for whom a grand jury declines to indict for justified use of force or for whom criminal charges have been dismissed or acquitted. C.S.H.B. 170 seeks to ensure that individuals who use justified force or threaten to use justified force will not suffer civil penalties or face unnecessary expenses by granting these individuals immunity from civil liability and entitling them to recover expenses for a related civil action.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 170 amends the Civil Practice and Remedies Code to expand the scope of the provision granting a defendant who uses force or deadly force that is justified under state law immunity from civil liability for personal injury or death that results from the defendant's use of force or deadly force by making such immunity also applicable to a defendant's threat to use force or deadly force that is justified. The bill establishes that a defendant who uses or threatens to use force or deadly force is presumed to be justified under state law and immune from liability if either of the following apply:

- a grand jury declines to indict the defendant for the use or threatened use of force or deadly force; or
- a criminal charge for an offense involving the use or threatened use of force or deadly force results in acquittal or is dismissed.

C.S.H.B. 170 entitles a defendant who is found to be immune from liability for their use or threat to use force or deadly force to recover reasonable attorney's fees, court costs, lost income, and other expenses incurred by the defendant in connection with the action.

C.S.H.B. 170 applies only to a cause of action that accrues on or after the bill's effective date. A cause of action that accrues before the bill's effective date is governed by the law applicable to the cause of action immediately before the bill's effective date, and that law is continued in effect for that purpose.

EFFECTIVE DATE

September 1, 2025.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 170 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes provisions absent from the introduced establishing that a defendant who uses or threatens to use force or deadly force is presumed to be justified and immune from liability under circumstances relating to a refusal from a grand jury to indict or an acquittal or dismissal of the applicable criminal charge.

Whereas the introduced repealed the provision establishing that the fact that conduct is justified under state law does not abolish or impair any remedy for the conduct that is available in a civil suit, the substitute does not repeal this provision.