

## **BILL ANALYSIS**

H.B. 1017  
By: Flynn  
Defense & Veterans' Affairs  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Certain events during the state's recent border security operation have brought to light statutory ambiguity over whether public duty justification for the use of force applies to members of the Texas military forces who are deployed on state-sponsored operations. Interested parties note that the extent to which Texas military personnel deployed by the state are authorized to use force appears to be currently limited to self-defense. These parties contend that, while a member of the Texas military forces deployed on a federal operation is protected from liability for the justified use of force under federal law, state military personnel may be vulnerable to lawsuits while deployed on a state-sponsored operation. H.B. 1017 seeks to enable members of the Texas military forces to effectively protect the border regardless of which level of government deploys them.

### **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**

H.B. 1017 amends the Government Code to make Penal Code provisions establishing a justification for certain conduct of an actor who reasonably believes the conduct is required or authorized by law, by the judgment or order of a competent court or other governmental tribunal, or in the execution of legal process applicable to the conduct of a service member of the Texas military forces ordered into service of the state by proper authority that is performed in the service member's official capacity.

### **EFFECTIVE DATE**

On passage, or, if the bill does not receive the necessary vote, September 1, 2015.