

2017 Texas Statutes: Penal Code:

**Title 2: General Principles of Criminal Responsibility,
Chapter 9: Justification Excluding Criminal Responsibility.**

Sub-Chapter E. Law Enforcement.

(Citizen's Arrest) Sec. 9.51. Arrest and Search. (a)

<https://law.justia.com/codes/texas/2017/penal-code/title-2/chapter-9/>

**A Peace Officer,
Or a Person Acting
in a Peace Officer's Presence and At His Direction,
Is Justified
in Using Force against another
When and to the degree the actor reasonably believes
the force is Immediately Necessary
To Make or assist in making an Arrest or Search,
Or to Prevent or assist in Preventing Escape after arrest,
If: (1) the actor Reasonably Believes
the Arrest or Search Is Lawful
Or, if the arrest or search is made under a warrant,
he Reasonably Believes the Warrant Is Valid;
And (2) before using force,
the actor manifests his purpose to arrest or search
and Identifies Him-self As A Peace Officer
Or as One Acting At a Peace Officer's Direction,
unless he reasonably believes his purpose and identity are already known by
or cannot reasonably be made known to
the person to be arrested.
(this section continues on accompanying pages.)**

2017 Texas Statutes: Penal Code:
Title 2: General Principles of Criminal Responsibility,
Chapter 9: Justification Excluding Criminal Responsibility.
Sub-Chapter E. Law Enforcement.

(Citizen's Arrest) Sec. 9.51. Arrest and Search. (b)

(this section is continued from a previous page.)

<https://law.justia.com/codes/texas/2017/penal-code/title-2/chapter-9/>

A Person Other Than a Peace Officer (or one acting at his direction)

Is Justified in Using Force against another

When and to the degree the actor Reasonably Believes

the Force is Immediately Necessary

To Make or assist in making a Lawful Arrest,

or to prevent or assist in preventing escape after lawful arrest

If,

before using force, the actor Manifests

his Purpose to And the Reason For the Arrest

or reasonably believes his purpose and the reason are already known by
or cannot reasonably be made known to the person to be arrested.

(c) A Peace Officer Is Justified in Using Deadly Force against another

When and to the degree

the Peace Officer Reasonably Believes

the Deadly Force is Immediately Necessary

To Make an Arrest, or to Prevent Escape after arrest,

If the Use of Force would have been Justified under Subsection (a)

and: (1) the actor Reasonably Believes

The Conduct for which arrest is authorized

Included the Use or attempted use Of Deadly Force;

Or (2) the actor Reasonably Believes There Is a Substantial Risk that

the Person to be arrested Will Cause Death or Serious Bodily Injury

to the actor or another If the Arrest is Delayed.

2017 Texas Statutes: Penal Code: Title 2: General Principles of Criminal Responsibility,
Chapter 9: Justification Excluding Criminal Responsibility. Sub-Chapter E. Law Enforcement.

(Citizen's Arrest) Sec. 9.51. Arrest and Search. (d)

(this section is continued from a previous page.)

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(d) A Person Other Than a Peace Officer
Acting in a Peace Officer's Presence and At His Direction
Is Justified in Using Deadly Force against another
When and to the degree
the person Reasonably Believes the Deadly Force is Immediately Necessary
To Make a Lawful Arrest,
or to Prevent Escape after a Lawful Arrest,
If the use of force would have been Justified under Subsection (b)
and: (1) the actor Reasonably Believes
the Felony or Offense Against the Public Peace for which arrest is authorized
Included the Use or attempted use of Deadly Force;
Or (2) the actor Reasonably Believes there is a Substantial Risk that
the Person to be Arrested Will Cause Death or Serious Bodily Injury to another
If the Arrest is Delayed.

(e) There is No Duty To Retreat
Before Using Deadly Force Justified by Subsection (c) or (d).

(f) Nothing In This Section relating to the actor's manifestation of purpose or identity
Shall Be Construed as Conflicting With any Other Law relating to
the issuance, service, and execution of an Arrest or Search Warrant
either Under the Laws of This State Or the United States.

(g) Deadly force may only be used under the circumstances
enumerated in Subsections (c) and (d).

Sec. 9.52. Prevention of Escape from Custody.

The Use of Force To Prevent the Escape of an arrested person from custody Is Justifiable
When the force could have been employed to effect the arrest under which the person is in custody,
except that a guard employed by a correctional facility or a Peace Officer Is Justified in Using Any Force,
including Deadly Force, that he reasonably believes to be Immediately Necessary
To Prevent the Escape of a person from the correctional facility.

Sec. 9.53. Maintaining Security in Correctional Facility.

An officer or employee of a correctional facility is justified in using force against a person in custody
when and to the degree the officer or employee Reasonably Believes the force is Necessary
to Maintain the Security of the Correctional Facility, the Safety or Security of
other Persons in custody or employed by the correctional facility, or His Own Safety or Security.