

2017 Texas Statutes: Penal Code:
Title 2: General Principles of Criminal Responsibility,
Chapter 9: Justification Excluding Criminal Responsibility.
<https://law.justia.com/codes/texas/2017/penal-code/title-2/chapter-9/>

Sub-Chapter C. Protection of Persons:

Sec. 9.32. Deadly Force In Defense of Person. (a)

A person is Justified in
using Deadly Force against another:

(1) if the actor would be justified in using force against the other under Section 9.31; and

(2) When and to the degree
the actor Reasonably Believes

the Deadly Force is Immediately Necessary:

(A) to Protect the actor Against
the Other's Use or Attempted Use
Of Unlawful Deadly Force;

or

(B) to Prevent the other's
imminent commission of
aggravated Kidnapping, Murder,
sexual assault, aggravated sexual assault,
Robbery, or aggravated Robbery.

2017 Texas Statutes: Penal Code:
Title 2: General Principles of Criminal Responsibility,
Chapter 9: Justification Excluding Criminal Responsibility.
<https://law.justia.com/codes/texas/2017/penal-code/title-2/chapter-9/>

Sub-Chapter C. Protection of Persons:

Sec. 9.32. Deadly Force In Defense of Person.
(This text continued from a previous page.)

(b) The actor's Belief under Subsection (a)(2)
that the Deadly Force was Immediately Necessary
as described by that subdivision
is Presumed to be Reasonable

If the actor:

(1) knew or had Reason to Believe that
the person against whom the deadly force was used:

(A) Unlawfully and with Force Entered, or
was Attempting to Enter Unlawfully and with Force,
the actor's occupied

Habitation, Vehicle, or Place of Business or Employment;

(B) unlawfully and with force

Removed,

or was Attempting to Remove Unlawfully and with force,
the actor from the actor's

Habitation, Vehicle, or Place of Business or Employment;

or ...

2017 Texas Statutes: Penal Code:
Title 2: General Principles of Criminal Responsibility,
Chapter 9: Justification Excluding Criminal Responsibility.
<https://law.justia.com/codes/texas/2017/penal-code/title-2/chapter-9/>

Sub-Chapter C. Protection of Persons:
Sec. 9.32. Deadly Force In Defense of Person.
(This text continued from a previous page.)

... or (C) was committing or attempting to commit an offense
described by Subsection (a)(2)(B);
(2) did not provoke the person against whom the force was used;
and
(3) was not otherwise engaged in criminal activity,
other than a Class C misdemeanor that is a violation of a law or ordinance
regulating traffic at the time the force was used.

(c) A person who has a Right
to be Present at the Location
where the Deadly Force is Used,
who has Not Provoked the person against whom the deadly force is used,
and who is not engaged in criminal activity at the time the deadly force is used
is Not Required to Retreat
before using Deadly Force
as described by this section.

(d) For purposes of Subsection (a)(2),
In Determining whether an Actor described by Subsection (c)
Reasonably Believed that the use of Deadly Force Was Necessary,
a Finder of Fact may Not Consider
Whether the Actor Failed to Retreat.