

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. 9.31. Self-Defense. (b)

The Use of Force against another
Is Not Justified:

(1) in response to verbal provocation alone;

(2) to Resist an Arrest or Search

that the actor Knows

is being Made by a Peace Officer,

Or By a Person

Acting in a Peace Officer's presence

and At His Direction,

even though the Arrest or Search is Unlawful,

Unless the Resistance is Justified under Subsection (c);

(3) if the actor consented to the exact force used or attempted by the other;

(4) if the actor Provoked the other's use or attempted use of unlawful Force,

Unless: (A) the actor abandons the encounter, or clearly communicates to the other his intent to do so reasonably believing he cannot safely abandon the encounter; and

(B) the other nevertheless continues or attempts to use unlawful force against the actor;

or

(5) if the actor sought an explanation from or discussion with the other person concerning the actor's differences with the other person while the actor was:

(A) carrying a weapon in violation of Section 46.02; or

(B) possessing or transporting a weapon in violation of Section 46.05.

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Sub-Chapter C. Protection of Persons:

Sec. 9.31. Self-Defense. (c)

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The Use of Force to Resist an Arrest or Search Is Justified: (1) If,

before the actor offers any resistance,

**the Peace Officer
(or person acting at his direction)**

**Uses or attempts to use
Greater Force than Necessary
To Make the Arrest or Search;**

And (2) When

and to the degree the actor Reasonably Believes

**the Force is Immediately Necessary
To Protect himself**

Against the Peace Officer's (or other person's)
use or attempted Use of Greater Force than Necessary.

(d) The Use of Deadly Force is Not Justified under this subchapter
Except as provided in Sections 9.32, 9.33, and 9.34.

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Sub-Chapter C. Protection of Persons:

Sec. 9.31. Self-Defense. (e)

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(e) A person who has a Right To Be Present

At the Location Where the Force is Used,

who has not provoked the person against whom the force is used,
and who is not engaged in criminal activity at the time the force is used

Is Not Required to Retreat

Before Using Force

as described by this section.

(f) For purposes of Subsection (a),

in Determining Whether an Actor

described by Subsection (e)

Reasonably Believed that

the use of Force Was Necessary,

a Finder of Fact may Not Consider

Whether the Actor Failed to Retreat.