

CHAPTER 512

H.B. No. 527

AN ACT

relating to the justifiable use of force in certain circumstances by jailers, guards, correctional officers, and peace officers.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Subchapter E, Chapter 9, Penal Code, is amended by adding Section 9.53 to read as follows:

*Sec. 9.53. MAINTAINING SECURITY IN PENAL INSTITUTION. A peace officer, jailer, or guard employed at a municipal or county jail, or a guard or correctional officer employed by the Texas Department of Corrections is justified in using force against a person in custody when and to the degree the peace officer, jailer, guard, or correctional officer reasonably believes the force is necessary to maintain the security of the penal institution, the safety or security of other persons in custody or employed by the penal institution, or his own safety or security.*

SECTION 2. The change in law made by this Act applies only to conduct that occurs on or after the effective date of this Act. Conduct that occurred before the effective date of this Act is covered by the law in effect when the conduct occurred, and the former law is continued in effect for this purpose.

SECTION 3. This Act takes effect September 1, 1987.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on March 26, 1987, by a non-record vote. Passed by the Senate on May 30, 1987, by the following vote: Yeas 30, Nays 0.

**70th LEGISLATURE—REGULAR SESSION**

**Ch. 513, § 2**

Approved June 17, 1987.

Effective Sept. 1, 1987.

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