

**Bill Summary**  
1<sup>st</sup> Session of the 59<sup>th</sup> Legislature

<b>Bill No.:</b>	<b>SB 1090</b>
<b>Version:</b>	<b>INT</b>
<b>Request No.:</b>	<b>1546</b>
<b>Author:</b>	<b>Sen. Paxton</b>
<b>Date:</b>	<b>02/02/2023</b>

**Bill Analysis**

SB 1090 specifies that an officer that uses deadly force shall not be subject to prosecution for the use of such force unless the deadly force is determined to be unlawful. The measure authorizes an officer charged and subject to criminal prosecution to file a motion to dismiss the charges based on a claim the officer is not subject to such prosecution at least 10 days prior to the preliminary hearing. If the court denies the motion to dismiss, the officer shall have the right to file an interlocutory appeal on the ruling made by the court to the district or associate district court judge having jurisdiction over the case. The appeal hearing before the district or associate district court judge shall address whether the deadly force used by the officer was unlawful or justified and permitted. Should the court determine the use of force was justified, the judge shall enter a written order containing findings of fact and conclusions of law that the officer is not subject to criminal prosecution and that criminal charges and proceedings shall be dismissed.

Prepared by: Kalen Taylor