

— VEST FIRST RESPONDER —
HELP FOR HEROES

TEXAS

Self-Defense Law Reference Guide

Stand Your Ground | Castle Doctrine | Duty to Retreat | First Responder Protections | Neck Restraint Law

CERTIFIED TRAINER SUPPLEMENTAL DOCUMENT

This document is intended exclusively for VEST Certified Trainers delivering VEST Level I, II, and III curriculum in the state of Texas. It is not a substitute for legal counsel. Trainers should direct participants with individual legal questions to a licensed attorney in their jurisdiction.

PART I: THE TEXAS SELF-DEFENSE STATUTORY FRAMEWORK

Texas self-defense law is codified in Title 2, Chapter 9 of the Texas Penal Code — "Justification Excluding Criminal Responsibility." Unlike some states that have a standalone "Stand Your Ground" statute, Texas embeds the no-retreat principle directly into its core force statutes. Texas also provides exceptionally broad civil immunity protections through a companion statute. The framework addresses non-deadly force, deadly force, defense of third persons, and property defense as separate, dedicated provisions.

CORE STATUTE MAP

STATUTE	SUBJECT MATTER
Tex. Penal Code § 9.31	Self-Defense — Non-Deadly Force & No Duty to Retreat
Tex. Penal Code § 9.32	Deadly Force in Defense of Person — Castle Doctrine Presumption
Tex. Penal Code § 9.33	Defense of Third Persons
Tex. Penal Code § 9.34	Protection of Life or Health
Tex. Penal Code §§ 9.41–9.42	Defense of Property / Deadly Force for Property
Tex. Civ. Prac. & Rem. Code § 83.001	Civil Immunity for Justified Use of Force
Tex. Penal Code § 22.01	Assault — Enhanced Penalties for Attacks on First Responders
Tex. Code Crim. Proc. Art. 2.33/2.34	Police Chokehold & Neck Restraint Prohibition (2021)

Tex. Penal Code § 9.31 — Self-Defense (Non-Deadly Force)

This is the foundational force statute in Texas. It establishes when any person may use non-deadly force and codifies the no-retreat principle. Both the force justification and the no-duty-to-retreat rule are embedded in this single section.

Under § 9.31, the use of force is justified when the actor reasonably believes it is immediately necessary to protect against the other person's use or attempted use of unlawful force. Key triggering elements:

- Reasonableness Standard — The belief must be objectively reasonable, evaluated from the actor's perspective in the moment, not with hindsight.
- Immediate Necessity — The word 'immediately' is operative. Future threats or anticipated danger do not satisfy this threshold.
- Unlawful Force — The force being responded to must itself be unlawful. Responding to lawful force (e.g., a lawful arrest) is not protected.
- Verbal Threats Are Insufficient — Words alone, even credible threats, do not justify physical force unless accompanied by an overt act demonstrating the capacity and intent to carry them out.

No Duty to Retreat — § 9.31(e) and (f)

"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. 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."

This is a two-layer protection: you have no duty to retreat, AND a jury cannot hold your failure to retreat against you when evaluating whether your use of force was reasonable.

FOR FIRST RESPONDERS:

Section 9.31 applies to EMS and fire personnel in exactly the same way it applies to any Texas citizen. You have no duty to retreat from an attack at any scene where you are legally present. The fact that you did not flee cannot be used against you in any criminal or civil proceeding arising from your use of force.

Tex. Penal Code § 9.32 — Deadly Force in Defense of Person (Castle Doctrine)

This is the statute that governs when deadly force is legally justified in Texas and contains the Castle Doctrine presumption of reasonableness — one of the strongest legal protections in the country for people defending themselves in defined locations.

TWO-CONDITION TEST FOR DEADLY FORCE:

1. You would be justified in using non-deadly force under § 9.31 — meaning the other person is posing an unlawful threat that warrants some response.
2. You reasonably believe deadly force is immediately necessary to: (A) protect against the other person's use or attempted use of deadly force; OR (B) prevent the imminent commission of aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery.

THE 'IMMEDIATELY NECESSARY' STANDARD:

The threat must be happening right now. Not anticipated, not feared for tomorrow — RIGHT NOW. Reasonable belief is judged from your perspective in the heat of the moment, not from a position of 20/20 hindsight. Texas courts are clear on this: prospective threats and verbal provocation alone will not sustain a deadly force claim.

The Castle Doctrine Presumption — § 9.32(b)

This is where Texas distinguishes itself from most states — including Georgia. Texas does not just permit deadly force in defined locations; it creates a legal PRESUMPTION of reasonableness in those locations. This shifts the evidentiary burden at trial.

"The actor's belief that the deadly force was immediately necessary 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 unlawfully and with force entered, or was attempting to enter, the actor's occupied habitation, vehicle, or place of business or employment; or was attempting to remove the actor by force from those locations; or was committing or attempting to commit aggravated kidnapping, murder, sexual assault, aggravated sexual assault, robbery, or aggravated robbery; (2) did not provoke the person against whom the force was used; and (3) was not otherwise engaged in criminal activity at the time the force was used."

LOCATIONS COVERED BY THE CASTLE DOCTRINE PRESUMPTION:

- Your primary residence or habitation (any structure adapted for overnight accommodation)
- Your vehicle — any occupied vehicle, including a personal vehicle or emergency response unit
- Your place of business or employment — including a fire station, ambulance bay, or hospital EMS area

CRITICAL DISTINCTION FROM GEORGIA:

Georgia's Castle Doctrine permits deadly force in defined locations. Texas goes further: it creates a LEGAL PRESUMPTION that your use of deadly force was reasonable. This means prosecutors must actively overcome that presumption — rather than you having to prove your belief was justified. The practical effect is a substantially higher bar for the state to bring charges.

Stand Your Ground / No Duty to Retreat — § 9.32(c) and (d)

The no-retreat principle is applied again at the deadly force level, with the same evidentiary protection: a jury cannot consider whether you failed to retreat when evaluating whether your belief that deadly force was necessary was reasonable.

- Applies when you are lawfully present at the location
- Applies when you did not provoke the person against whom you used force
- Applies when you were not engaged in criminal activity at the time
- Failure to retreat CANNOT be used as evidence of unreasonableness by a jury or judge

AMBULANCE AS CASTLE:

Because § 9.32(b) extends the Castle Doctrine presumption to vehicles and places of

employment, a paramedic attacked inside their unit or at their station receives the same legal presumption as a homeowner defending against a home invasion. This is a direct, meaningful legal advantage for Texas EMS crews — and a key training point for VEST certified trainers in this state.

Tex. Penal Code § 9.33 — Defense of Third Persons

A person is justified in using force or deadly force to protect a third person if: (1) the actor would be justified under § 9.31 or § 9.32 in using that level of force to protect themselves against the same threat facing the third person; and (2) the actor reasonably believes that intervention is immediately necessary to protect the third person.

PARTNER PROTECTION — DIRECT LEGAL AUTHORITY:

Under § 9.33, a Texas paramedic or firefighter who witnesses a violent attack on their partner may use force — including deadly force if the threshold is met — to protect that partner. The legal standard is identical to self-defense. VEST Level III scenario training covering partner extraction and mutual defense has direct statutory backing under Texas law.

Tex. Penal Code § 9.34 — Protection of Life or Health

This provision justifies force used to protect someone's life or health outside the traditional self-defense context. It is most relevant to EMS and healthcare providers who may need to use physical intervention to prevent a patient from causing death or serious injury to themselves or others. It provides additional statutory cover for physical restraint in genuine medical emergencies, separate from the assault-based self-defense statutes.

Tex. Penal Code §§ 9.41 & 9.42 — Defense of Property

Texas allows force, and in limited circumstances deadly force, to protect property. Deadly force for property protection under § 9.42 is permissible only when the actor reasonably believes it is immediately necessary to prevent arson, burglary, robbery, aggravated robbery, theft at night, or criminal mischief at night — AND when using less than deadly force would expose the actor to a substantial risk of death or serious bodily injury. Property defense alone, without an accompanying threat to persons, rarely justifies lethal force and should not be the basis for VEST-related defensive action.

PART II: CIVIL IMMUNITY — TEX. CIV. PRAC. & REM. CODE § 83.001

Texas provides one of the strongest civil immunity protections in the country for lawful use of force. This statute is separate from and additive to the criminal defense provided by Chapter 9.

"A defendant who uses force or deadly force that is justified under Chapter 9, Penal Code, is immune from civil liability for personal injury or death that results from the defendant's use of force or deadly force, as applicable."

WHAT THIS MEANS FOR FIRST RESPONDERS:

- If your use of force meets the Chapter 9 justification standards, you cannot be successfully sued in civil court for the resulting injury or death — by the attacker, the attacker's family, or any third party.
- This is a COMPLETE immunity from civil liability — not just an affirmative defense that a jury weighs, but a bar on the lawsuit itself.
- This protection applies to EMS, fire, and all civilian first responders — not just law enforcement.

TEXAS vs. GEORGIA — IMMUNITY COMPARISON:

PROTECTION TYPE	GEORGIA	TEXAS
Criminal Immunity	Pre-trial immunity hearing — § 16-3-24.2; prosecution must disprove by preponderance	Affirmative defense at trial under Chapter 9
Civil Immunity	Available but not explicitly codified in a single provision	EXPLICIT statutory immunity — § 83.001; bars the lawsuit entirely
Castle Doctrine	Justification (may use force)	PRESUMPTION of reasonableness (stronger)
Ambulance as Castle	Covered as occupied vehicle	Covered as vehicle AND place of employment — with presumption

PART III: ENHANCED CRIMINAL PROTECTIONS FOR FIRST RESPONDERS

Texas has built robust protections for first responders directly into its assault statutes, with penalty enhancements that apply whenever emergency services personnel are victimized in the line of duty.

Tex. Penal Code § 22.01 — Assault with Enhanced Penalties

Texas Penal Code § 22.01 defines "Emergency services personnel" to include firefighters, emergency medical services personnel (as defined under Health and Safety Code § 773.003), emergency room personnel, and all other individuals who, in the course and scope of employment or as a volunteer, provide services for the benefit of the general public during emergency situations.

PENALTY ENHANCEMENTS:

- Assault — Bodily Injury against emergency services personnel is enhanced from a Class A misdemeanor to a THIRD-DEGREE FELONY.
- Aggravated assault on emergency personnel performing their duties is elevated to a SECOND-DEGREE FELONY.
- Intoxication assault of an on-duty first responder is enhanced from a third-degree to a SECOND-DEGREE FELONY.
- Intoxication manslaughter of an on-duty first responder is enhanced from a second-degree to a FIRST-DEGREE FELONY.

The Uniform Presumption — § 22.01(d)

For purposes of the enhancement, the actor is PRESUMED to have known the person assaulted was a public servant, security officer, or emergency services personnel if the person was wearing a distinctive uniform or badge indicating their employment status.

TRAINER EMPHASIS POINT:

Wearing your uniform or displaying your badge creates a legal presumption that your attacker knew you were a first responder. This defeats the common defense of 'I didn't know who they were.' For criminal prosecution of your attacker, this presumption is powerful. Trainers should remind participants: your uniform is both your identifier AND your legal documentation of status.

PART IV: POLICE USE OF FORCE & THE CHOKEHOLD STATUTE

Texas has a statutory framework governing police use of force that differs significantly from Georgia's. Most critically, Texas enacted a DIRECT STATUTORY PROHIBITION on neck restraints in 2021 — giving it one of the clearest chokehold laws in the country.

Texas Code of Criminal Procedure Art. 2.33 (Now Art. 2.34) — Neck Restraint Prohibition

Passed as SB 69 during the 87th Legislature and signed into law effective September 1, 2021, this statute directly prohibits police use of neck restraints during searches and arrests, with a defined life-safety exception.

"A peace officer may not intentionally use a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person."

THE CRITICAL EXCEPTION — TWO-PART TEST:

3. The restraint is necessary to prevent serious bodily injury to or the death of the officer or another person; AND
4. The officer DISCONTINUES the restraint as soon as the threat of serious bodily injury or death has passed.

The discontinue requirement is operationally critical: the exception does not create an open-ended window. The moment the life-safety threat is neutralized, the neck restraint must stop. Continuing after that point is a violation of the statute regardless of whether the initial use was justified.

TCOLE Training Mandate — Tex. Occupations Code § 1701.2551

Texas law requires that the Basic Peace Officer training course — which must now be at least 720 hours — include specific training on the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint during a search or arrest. Officers must also be trained in the duty to intervene when witnessing excessive force by another officer, and the duty to render

medical aid to persons in custody. This applies to all officers who began the course on or after July 1, 2022.

STATE COMPARISON: NECK RESTRAINT LAWS

STATE	STATUTORY STATUS	EXCEPTION / STANDARD
Texas	STATUTORY BAN — Art. 2.33/2.34	Life-safety exception; must discontinue immediately when threat ends
Georgia	NO STATUTORY BAN — Policy only	Classified as deadly force; governed by § 17-4-20(b) threshold
California	STATUTORY BAN — Gov't Code § 7286.5	Complete prohibition; no exceptions for carotid or tracheal restraint
Louisiana	STATUTORY RESTRICTION — RS 40:2553	Prohibited except when great bodily harm or death threatened

TEXAS VS. GEORGIA — THE KEY CHOKEHOLD DIFFERENCE:

Georgia has no statutory prohibition on police chokeholds — only a GLECP policy classification as deadly force. Texas has an ACTUAL STATUTE. This means Texas officers have clearer legal exposure for violations, clearer training requirements under TCOLE, and a stricter accountability framework. For VEST trainers working in both states, this distinction is important when discussing law enforcement collaboration and joint agency training.

First Responders (Non-Law Enforcement) and Neck Restraints in Texas

Art. 2.33/2.34 applies ONLY to peace officers. EMS and fire personnel are governed by the civilian Chapter 9 self-defense framework. A paramedic who applies a physical restraint technique in a genuine life-safety defense situation is evaluated only under §§ 9.31 and 9.32 — the civilian force standards. There is no equivalent statutory prohibition on civilians using physical defensive techniques in lawful self-defense.

CRITICAL DISTINCTION FOR VEST TRAINERS:

In Texas, EMS and fire providers applying defensive physical techniques in a life-threatening attack face a LOWER procedural bar than police — they do not face Art. 2.33 review, only Chapter 9 justification analysis. Police officers using a neck restraint must additionally demonstrate they satisfy the Art. 2.33 exception AND discontinued the restraint when the threat passed. This creates a meaningful legal distinction between civilian FR defense and sworn officer defense.

PART V: APPLYING VEST PRINCIPLES UNDER TEXAS LAW

Texas law aligns strongly with VEST's core training philosophy: first responders have not just the ethical right but the statutory legal right to defend themselves, their partners, and their patients. The following principles connect Texas law directly to VEST curriculum at all three training levels.

1. You Have the Legal Right to Defend Yourself at Your Job

Under Tex. Penal Code §§ 9.31 and 9.32, any EMS scene, fire scene, hospital corridor, or station is a location where you are lawfully present. Texas law gives you the right to use force — including deadly force when warranted — without retreating first. More importantly, your failure to retreat cannot be held against you. VEST training reinforces this right by giving providers the situational awareness, verbal skills, and physical tools to respond across the full force continuum. Knowing your legal rights makes your training more meaningful and your response more confident.

2. Your Ambulance Is Your Castle — Literally

Texas Penal Code § 9.32(b) extends the Castle Doctrine presumption of reasonableness to your occupied vehicle and your place of employment. A violent forced entry into your ambulance, your response vehicle, or your station triggers the same legal protections as a home invasion. VEST training covers compartment security, patient positioning, cab lockdown, and egress planning — all of which are directly relevant to establishing the Castle Doctrine factual record if an incident occurs.

3. Protect Your Partner — § 9.33 Has Your Back

Texas Penal Code § 9.33 gives you explicit legal authority to use force — including deadly force — to protect a partner, crew member, or bystander from violent unlawful attack. The standard is identical to self-defense. VEST Level III scenario training, which includes multi-responder threat response, partner extraction, and mutual defense positioning, is legally grounded in this statute. You are not a bystander. You have the legal right and the legal justification to act.

4. Verbal De-Escalation Is Your First Weapon

Texas's 'immediately necessary' standard means the law expects you to assess whether force is truly required in the moment. This aligns with VEST Level I curriculum: verbal de-escalation is always the preferred first response. The law does not require you to absorb a physical assault before responding — but it does require proportionality. Trainers should consistently reinforce that VEST's progressive force continuum framework is both tactically sound and legally defensible in Texas.

5. Civil Immunity Under § 83.001 — Protection Beyond the Courtroom

Texas's civil immunity statute (§ 83.001) provides a complete bar on civil lawsuits arising from justified use of force. This means that if your use of force meets Chapter 9 standards, an attacker's family cannot successfully sue you for wrongful injury or death. This is a significant legal protection that goes beyond Georgia's framework. VEST trainers should help participants understand that lawful, proportionate, documented defensive force in Texas carries some of the strongest civil protections in the country.

6. Document Everything — Build Your Legal Defense Before You Need It

Texas's immunity framework — both criminal (Chapter 9 justification) and civil (§ 83.001) — depends on establishing that your use of force was objectively justified. Thorough documentation is

your legal foundation. PCR narratives, body cam footage, partner statements, scene photographs, witness information, and supervisor notifications all become part of the evidentiary record in any post-incident review. VEST trainers should emphasize: document in real time, be specific about the threat you perceived, and preserve all records.

7. Know When Force Ends — The Discontinue Principle

Both the civilian standard (Chapter 9) and the law enforcement standard (Art. 2.33/2.34) are clear: force must end when the threat ends. Texas law does not protect force that continues after neutralization. VEST curriculum teaches continuous threat reassessment — not as a legal formality, but as an operational survival skill. Once a subject is restrained, compliant, or incapacitated, the justification window closes. Crossing that line converts a lawful defense into potential criminal exposure. VEST-trained providers should know this boundary deeply.

8. Understand the Law Enforcement Framework You Work Alongside

Texas's Art. 2.33/2.34 chokehold prohibition creates a distinct legal framework for sworn officers working alongside EMS and fire personnel. When VEST trainers deliver joint agency training that includes law enforcement participants, this distinction is important: police face an additional statutory restriction on neck restraints beyond the Chapter 9 force framework. Understanding this helps first responders and law enforcement build unified, legally defensible team responses to violent patient encounters.

LEGAL DISCLAIMER

This document is produced by VEST First Responder LLC for educational and trainer development purposes only. It does not constitute legal advice. Texas statutes are subject to legislative amendment, and individual incidents are always fact-specific. VEST Certified Trainers and their agencies should consult with a licensed attorney, their medical director, and agency legal counsel before developing or delivering formal use-of-force or defensive tactics policies. Reference statutes as of the 87th–89th Texas Legislatures and 2024 Texas Penal Code.

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