

By: Miles

S.B. No. 747

A BILL TO BE ENTITLED

AN ACT

relating to law enforcement policies prohibiting a peace officer from using a chemical device against a minor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.33 to read as follows:

Art. 2.33. LAW ENFORCEMENT POLICY PROHIBITING USE OF CHEMICAL DEVICE AGAINST MINOR. (a) In this article:

(1) "Chemical device" means a device used against a targeted person for the purpose of incapacitating or substantially diminishing the capacity of that person by causing chemical irritation of the eyes, throat, lungs, or skin. The term includes chemical devices commonly known as "pepper spray."

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) Each law enforcement agency in this state shall adopt a policy prohibiting a peace officer of the agency from using a chemical device against a person younger than 18 years of age.

SECTION 2. Not later than January 1, 2022, each law enforcement agency in this state shall adopt the policy required by Article 2.33, Code of Criminal Procedure, as added by this Act.

SECTION 3. This Act takes effect September 1, 2021.