

By: Thompson of Harris

H.B. No. 415

A BILL TO BE ENTITLED

AN ACT

relating to the duty of a peace officer to request and render aid for an injured person.

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

SECTION 1. Article 2.33, Code of Criminal Procedure, as added by Chapter 979 (S.B. 2212), Acts of the 87th Legislature, Regular Session, 2021, is redesignated as Article 2.35, Code of Criminal Procedure, and amended to read as follows:

Art. 2.35 [~~2.33~~]. DUTY TO REQUEST AND RENDER AID. (a) Except as provided by Subsection (b), a peace officer who encounters an injured person while discharging the officer's official duties shall immediately and as necessary:

(1) request emergency medical services personnel to provide the person with emergency medical services; and

(2) while waiting for emergency medical services personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skill and training.

(b) The peace officer is not required to request emergency medical services or provide first aid or treatment under Subsection (a) if:

(1) making the request or providing the treatment would expose the officer or another person to a likely risk of serious bodily injury; or

(2) the officer is injured and physically unable to

1 make the request or provide the treatment.

2 SECTION 2. Section 1701.2551(b), Occupations Code, is
3 amended to read as follows:

4 (b) The basic peace officer training course must include
5 training on:

6 (1) the prohibition against the intentional use of a
7 choke hold, carotid artery hold, or similar neck restraint by a
8 peace officer in searching or arresting a person, unless the
9 officer reasonably believes the restraint is necessary to prevent
10 serious bodily injury to or the death of the peace officer or
11 another person;

12 (2) the duty of a peace officer to intervene to stop or
13 prevent another peace officer from using force against a person
14 suspected of committing an offense if:

15 (A) the amount of force exceeds that which is
16 reasonable under the circumstances; and

17 (B) the officer knows or should know that the
18 other officer's use of force:

19 (i) violates state or federal law;

20 (ii) puts a person at risk of bodily injury,
21 as that term is defined by Section 1.07, Penal Code, and is not
22 immediately necessary to avoid imminent bodily injury to a peace
23 officer or other person; and

24 (iii) is not required to apprehend the
25 person suspected of committing an offense; and

26 (3) the duty of a peace officer ~~[who encounters an~~
27 ~~injured person while discharging the officer's official duties]~~ to

1 ~~[immediately and as necessary]~~ request ~~[emergency medical services~~
 2 ~~personnel to provide the person with emergency medical services]~~
 3 and render ~~[, while waiting for emergency medical services~~
 4 ~~personnel to arrive, provide first]~~ aid for an injured ~~[or~~
 5 ~~treatment to the]~~ person as prescribed by Article 2.35, Code of
 6 Criminal Procedure ~~[to the extent of the officer's skills and~~
 7 ~~training, unless the request for emergency medical services~~
 8 ~~personnel or the provision of first aid or treatment would expose~~
 9 ~~the officer or another person to a risk of bodily injury or the~~
 10 ~~officer is injured and physically unable to make the request or~~
 11 ~~provide the treatment].~~

12 SECTION 3. Section [1701.269\(b\)](#), Occupations Code, as added
 13 by Chapter 722 (H.B. 3712), Acts of the 87th Legislature, Regular
 14 Session, 2021, is amended to read as follows:

15 (b) The model training curriculum and model policies
 16 developed under Subsection (a) must include:

17 (1) curriculum and policies for banning the use of a
 18 choke hold, carotid artery hold, or similar neck restraint by a
 19 peace officer in searching or arresting a person, unless the
 20 officer reasonably believes the restraint is necessary to prevent
 21 serious bodily injury to or the death of the peace officer or
 22 another person;

23 (2) curriculum and policies regarding the duty of a
 24 peace officer to intervene to stop or prevent another peace officer
 25 from using force against a person suspected of committing an
 26 offense if:

27 (A) the amount of force exceeds that which is

reasonable under the circumstances; and

(B) the officer knows or should know that the other officer's use of force:

(i) violates state or federal law;

(ii) puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(iii) is not required to apprehend the person suspected of committing an offense; and

(3) curriculum and policies regarding the duty of a peace officer ~~[who encounters an injured person while discharging the officer's official duties]~~ to ~~[immediately and as necessary]~~ request ~~[emergency medical services personnel to provide the person with emergency medical services]~~ and render ~~[, while waiting for emergency medical services personnel to arrive, provide first]~~ aid for an injured ~~[or treatment to the]~~ person as prescribed by Article 2.35, Code of Criminal Procedure ~~[to the extent of the officer's skills and training, unless the request for emergency medical services personnel or the provision of first aid or treatment would expose the officer or another person to a risk of bodily injury or the officer is injured and physically unable to make the request or provide the treatment]~~.

SECTION 4. To the extent of any conflict, this Act prevails over another Act of the 88th Legislature, Regular Session, 2023, relating to nonsubstantive additions to and corrections in enacted codes.

1 SECTION 5. This Act takes effect September 1, 2023.