

By: Thompson of Harris

H.B. No. 2519

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to law enforcement misconduct and law enforcement  
3 interactions with certain detained or arrested individuals and  
4 other members of the public, to public entity liability for those  
5 interactions, and to the confinement, conviction, or release of  
6 detained or arrested individuals.

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

8 SECTION 1. This Act shall be known as the George Floyd Act.

9 SECTION 2. Title 5, Civil Practice and Remedies Code, is  
10 amended by adding Chapter 117 to read as follows:

11 CHAPTER 117. PUBLIC ENTITY LIABILITY FOR DEPRIVATION OF CERTAIN  
12 RIGHTS, PRIVILEGES, OR IMMUNITIES UNDER COLOR OF LAW

13 Sec. 117.001. DEFINITIONS. In this chapter:

14 (1) "Peace officer" has the meaning assigned by  
15 Article 2.12, Code of Criminal Procedure.

16 (2) "Public entity" means:

17 (A) this state;

18 (B) a political subdivision of this state,  
19 including a municipality or county; and

20 (C) any other governmental agency whose  
21 authority is derived from the laws or constitution of this state.

22 (3) "Respondeat superior" means the common-law  
23 doctrine under which an employer is liable for the wrongful acts of  
24 the employer's employee or agent.

1       Sec. 117.002. PUBLIC ENTITY RESPONSIBILITY. (a) For  
2 purposes of this chapter:

3           (1) a public entity is a principal responsible for the  
4 wrongful acts or omissions of the entity's peace officers;

5           (2) a peace officer is an agent of the public entity  
6 that employs the officer; and

7           (3) a public entity is legally responsible for a  
8 wrongful act or omission of the entity's peace officer if the act or  
9 omission occurs under the color of law.

10       (b) This chapter constitutes acceptance by a public entity  
11 employing a peace officer of responsibility under respondeat  
12 superior for the officer's conduct under the color of law,  
13 regardless of whether the officer acted in accordance with a policy  
14 or custom of the entity.

15       Sec. 117.003. DEPRIVATION OF RIGHTS, PRIVILEGES, OR  
16 IMMUNITIES UNDER COLOR OF LAW. (a) An individual may bring an  
17 action for any appropriate relief, including legal or equitable  
18 relief, in a court of this state against a public entity on the  
19 basis that a peace officer under the entity's employment, by an act  
20 or omission under the color of law, deprived the individual of or  
21 caused the individual to be deprived of a right, privilege, or  
22 immunity under the laws or constitution of this state or the United  
23 States.

24       (b) A claimant may recover in an action brought under this  
25 chapter damages resulting from an injury arising from a deprivation  
26 described by Subsection (a).

27       (c) A claimant must bring an action under this chapter not

1 later than two years after the day the cause of action accrues.

2 (d) A claimant bringing an action under this chapter bears  
3 the burden of proving a deprivation of a right, privilege, or  
4 immunity under the laws or constitution of this state or the United  
5 States by a preponderance of the evidence.

6 Sec. 117.004. APPLICABILITY OF OTHER LAW. Notwithstanding  
7 any other law, a statutory immunity or limitation on liability,  
8 damages, or attorney's fees does not apply to an action brought  
9 under this chapter.

10 Sec. 117.005. PROHIBITED DEFENSES. A defendant in an  
11 action brought under this chapter may not assert as a defense or  
12 basis for immunity that:

13 (1) the right, privilege, or immunity under the laws  
14 or constitution of this state or the United States was not clearly  
15 established at the time of the deprivation by the peace officer;

16 (2) based on the state of the law at the time, the  
17 peace officer could not have been expected, reasonably or  
18 otherwise, to know whether the officer's conduct was lawful; or

19 (3) the peace officer acted in good faith or believed,  
20 reasonably or otherwise, that the officer's conduct was lawful at  
21 the time it was committed.

22 Sec. 117.006. JURISDICTION IN STATE COURT. (a) An action  
23 under this chapter arises from the laws of this state.

24 (b) Jurisdiction over an action brought under this chapter  
25 is in the judicial system of this state under the laws of this  
26 state, including the Texas Rules of Civil Procedure.

27 Sec. 117.007. JUDGMENT. (a) A judgment for an action

1 brought under this chapter must be supported by findings of fact and  
2 conclusions of law.

3 (b) A peace officer may not be found financially liable in  
4 an action brought under this chapter for a deprivation of a right,  
5 privilege, or immunity under the laws or constitution of this state  
6 or the United States.

7 Sec. 117.008. ATTORNEY'S FEES AND COSTS. (a) In an action  
8 brought under this chapter, a court shall award reasonable  
9 attorney's fees and costs to a prevailing claimant.

10 (b) Reasonable attorney's fees include fees incurred on an  
11 hourly or contingency basis or by an attorney providing legal  
12 services on a pro bono basis.

13 (c) For purposes of this section, a claimant prevails if the  
14 claimant obtains any relief the claimant seeks in the claimant's  
15 petition, whether the relief is obtained by judgment, settlement,  
16 or the public entity's voluntary change in behavior.

17 (d) In an action brought under this chapter, if a judgment  
18 is entered in favor of a defendant, the court may award reasonable  
19 attorney's fees and costs to the defendant only for defending  
20 claims the court finds frivolous.

21 Sec. 117.009. JOINT AND SEVERAL LIABILITY. A defendant who  
22 is found liable in an action brought under this chapter is jointly  
23 and severally liable for damages, attorney's fees, and costs  
24 awarded by the court.

25 Sec. 117.010. TERMINATION OF CONTRACT, AGREEMENT, OR  
26 EMPLOYMENT. (a) Notwithstanding any other law, contract, or  
27 agreement, a public entity may terminate a contract or agreement

1 with or the employment of a peace officer if the court finds in an  
2 action brought under this chapter that the officer deprived a  
3 claimant of a right, privilege, or immunity under the laws or  
4 constitution of this state or the United States.

5 (b) A public entity's termination of a contract or agreement  
6 with or the employment of a peace officer does not affect the  
7 entity's liability in an action brought under this chapter.

8 Sec. 117.011. PUBLIC DISCLOSURE. All petitions, judgments,  
9 settlements, and consent decrees related to an action brought under  
10 this chapter are public information subject to disclosure under  
11 Chapter 552, Government Code.

12 Sec. 117.012. WAIVER OF SOVEREIGN OR GOVERNMENTAL IMMUNITY.  
13 Sovereign or governmental immunity to suit and from liability is  
14 waived to the extent of liability created by this chapter.

15 SECTION 3. Article 2.13(b), Code of Criminal Procedure, is  
16 amended to read as follows:

17 (b) The officer ~~[shall]~~:

18 (1) may, if authorized ~~[in every case authorized by~~  
19 ~~the provisions of this Code]~~, interfere without warrant to prevent  
20 or suppress crime;

21 (2) shall execute all lawful process issued to the  
22 officer by any magistrate or court;

23 (3) shall give notice to some magistrate of all  
24 offenses committed within the officer's jurisdiction, if ~~[where]~~  
25 the officer has probable cause ~~[good reason]~~ to believe there has  
26 been a violation of the penal law; ~~[and]~~

27 (4) may, if authorized, arrest offenders without

1 warrant so [~~in every case where the officer is authorized by law, in~~  
2 ~~order~~] that they may be taken before the proper magistrate or court  
3 and be tried;

4 (5) shall make an identification as a peace officer  
5 before taking any action within the course and scope of the  
6 officer's official duties unless the identification would render  
7 the action impracticable; and

8 (6) shall intervene to prevent an action by another  
9 peace officer if:

10 (A) the action includes the use of force in an  
11 amount that exceeds that which is reasonable under the  
12 circumstances;

13 (B) the intervening officer knows or should know  
14 that the other officer's action violates department policy or  
15 local, state, or federal law; or

16 (C) the action puts a person at risk of bodily  
17 injury, as that term is defined by Section 1.07, Penal Code, and is  
18 not:

19 (i) immediately necessary to avoid imminent  
20 bodily injury to a peace officer or other person; or

21 (ii) required to apprehend a person  
22 suspected of committing an offense.

23 SECTION 4. Chapter 2, Code of Criminal Procedure, is  
24 amended by adding Articles 2.1309 and 2.36 to read as follows:

25 Art. 2.1309. CITE AND RELEASE POLICY. (a) In this article,  
26 "law enforcement agency" means an agency of the state or an agency  
27 of a political subdivision of the state authorized by law to employ

1 peace officers.

2 (b) Texas Southern University, in consultation with law  
3 enforcement agencies, law enforcement associations, law  
4 enforcement training experts, and community organizations engaged  
5 in the development of law enforcement policy, shall publish a  
6 written model policy regarding the issuance of citations for  
7 misdemeanor offenses, including traffic offenses, that are  
8 punishable by fine only. The policy must provide a procedure for a  
9 peace officer, on a person's presentation of appropriate  
10 identification, to verify the person's identity and issue a  
11 citation to the person. The policy must comply with Articles 14.01,  
12 14.03, and 14.06 of this code and Sections 543.001 and 543.004,  
13 Transportation Code.

14 (c) Each law enforcement agency shall adopt a written policy  
15 regarding the issuance of citations for misdemeanor offenses,  
16 including traffic offenses, that are punishable by fine only. The  
17 policy must meet the requirements for the model policy described by  
18 Subsection (b). A law enforcement agency may adopt the model policy  
19 published by Texas Southern University under Subsection (b).

20 Art. 2.36. POLICY ON DE-ESCALATION AND PROPORTIONATE  
21 RESPONSE. (a) In this article, "law enforcement agency" means an  
22 agency of the state or an agency of a political subdivision of the  
23 state authorized by law to employ peace officers.

24 (b) Texas Southern University shall develop and make  
25 available to all law enforcement agencies in this state a model  
26 policy and associated training materials regarding the use of force  
27 by peace officers. The model policy must be:

1           (1) designed to minimize the number and severity of  
2 incidents in which peace officers use force; and

3           (2) consistent with the requirements of Subsection (e)  
4 and the guiding principles on the use of force issued by the Police  
5 Executive Research Forum.

6           (c) In developing a model policy under this section, Texas  
7 Southern University shall consult with:

8           (1) law enforcement agencies and organizations,  
9 including the Police Executive Research Forum and other national  
10 experts on police management and training; and

11           (2) community organizations.

12           (d) On request of a law enforcement agency, Texas Southern  
13 University shall provide the agency with training regarding the  
14 policy developed under Subsection (b).

15           (e) Each law enforcement agency shall adopt a detailed  
16 written policy regarding the use of force by peace officers. The  
17 policy must:

18           (1) emphasize conflict de-escalation and the use of  
19 force in a manner proportionate to the threat posed and to the  
20 seriousness of the alleged offense;

21           (2) mandate that deadly force is only to be used by  
22 peace officers as a last resort; and

23           (3) affirm the sanctity of human life and the  
24 importance of treating all persons with dignity and respect.

25           (f) A law enforcement agency may adopt the model policy  
26 developed by Texas Southern University under Subsection (b) or may  
27 adopt its own policy.



1 SECTION 5. Article ~~2.33~~, Code of Criminal Procedure, as  
2 added by Chapter 534 (S.B. 69), Acts of the 87th Legislature,  
3 Regular Session, 2021, is redesignated as Article 2.34, Code of  
4 Criminal Procedure, and amended to read as follows:

5 Art. 2.34 [~~2.33~~]. USE OF NECK RESTRAINTS DURING SEARCH OR  
6 ARREST PROHIBITED. A peace officer may not intentionally use a  
7 choke hold, carotid artery hold, or similar neck restraint in  
8 searching or arresting a person unless:

9 (1) the restraint is necessary to prevent serious  
10 bodily injury to or the death of the officer or another person; and

11 (2) the officer discontinues the restraint as soon as  
12 the threat of serious bodily injury or death described by  
13 Subdivision (1) has passed.

14 SECTION 6. Article ~~2.33~~, Code of Criminal Procedure, as  
15 added by Chapter 979 (S.B. 2212), Acts of the 87th Legislature,  
16 Regular Session, 2021, is redesignated as Article 2.35, Code of  
17 Criminal Procedure, and amended to read as follows:

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

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

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

27 (b) The peace officer is not required to request emergency

1 medical services or provide first aid or treatment under Subsection  
2 (a) if:

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

6 (2) the officer is injured and physically unable to  
7 make the request or provide the treatment.

8 SECTION 7. Article 14.01, Code of Criminal Procedure, is  
9 amended by adding Subsection (c) to read as follows:

10 (c) Notwithstanding Subsection (a) or (b), a peace officer  
11 or any other person may not, without a warrant, arrest an offender  
12 for a misdemeanor punishable by fine only, other than an offense  
13 under Section 22.01(a)(2) or (3), Penal Code, or Section 49.02,  
14 Penal Code.

15 SECTION 8. Article 14.03, Code of Criminal Procedure, is  
16 amended by adding Subsection (i) to read as follows:

17 (i) Notwithstanding Subsection (a), (d), or (g), a peace  
18 officer may not, without a warrant, arrest a person who only commits  
19 one or more offenses punishable by fine only, other than an offense  
20 under Section 22.01(a)(2) or (3), Penal Code, or Section 49.02,  
21 Penal Code.

22 SECTION 9. Article 14.06, Code of Criminal Procedure, is  
23 amended by amending Subsection (b) and adding Subsection (b-1) to  
24 read as follows:

25 (b) A peace officer who is charging a person, including a  
26 child, with committing an offense that is a [~~Class C~~] misdemeanor  
27 punishable by fine only, other than an offense under Section 49.02,

1 Penal Code, shall [~~may~~], instead of taking the person before a  
2 magistrate, issue a citation to the person that contains:

3 (1) written notice of the time and place the person  
4 must appear before a magistrate;

5 (2) the name and address of the person charged;

6 (3) the offense charged;

7 (4) information regarding the alternatives to the full  
8 payment of any fine or costs assessed against the person, if the  
9 person is convicted of the offense and is unable to pay that amount;  
10 and

11 (5) the following admonishment, in boldfaced or  
12 underlined type or in capital letters:

13 "If you are convicted of a misdemeanor offense involving  
14 violence where you are or were a spouse, intimate partner, parent,  
15 or guardian of the victim or are or were involved in another,  
16 similar relationship with the victim, it may be unlawful for you to  
17 possess or purchase a firearm, including a handgun or long gun, or  
18 ammunition, pursuant to federal law under 18 U.S.C. Section  
19 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any  
20 questions whether these laws make it illegal for you to possess or  
21 purchase a firearm, you should consult an attorney."

22 (b-1) Notwithstanding Subsection (b), a peace officer who  
23 is charging a person, including a child, with committing an offense  
24 that is a misdemeanor under Section 22.01(a)(2) or (3), Penal Code,  
25 punishable by fine only may, instead of taking the person before a  
26 magistrate, issue a citation to the person that contains all of the  
27 information required for a citation issued under Subsection (b).

1 SECTION 10. Article 38.141, Code of Criminal Procedure, is  
2 amended to read as follows:

3 Art. 38.141. CORROBORATION REQUIRED FOR CERTAIN TESTIMONY  
4 RELATING TO COVERT LAW ENFORCEMENT ACTIVITY [~~OF UNDERCOVER PEACE~~  
5 ~~OFFICER OR SPECIAL INVESTIGATOR~~]. (a) A defendant may not be  
6 convicted of an offense under Chapter 481, Health and Safety Code,  
7 on the testimony of a person who is [~~not a licensed peace officer or~~  
8 ~~a special investigator but who is~~] acting covertly on behalf of a  
9 law enforcement agency or under the color of law enforcement unless  
10 the testimony is corroborated by other evidence tending to connect  
11 the defendant with the offense committed.

12 (b) Corroboration is not sufficient for the purposes of this  
13 article if the corroboration only shows the commission of the  
14 offense.

15 [~~(c) In this article, "peace officer" means a person listed~~  
16 ~~in Article 2.12, and "special investigator" means a person listed~~  
17 ~~in Article 2.122.]~~

18 SECTION 11. Subchapter B, Chapter 142, Local Government  
19 Code, is amended by adding Section 142.0605 to read as follows:

20 Sec. 142.0605. PROGRESSIVE DISCIPLINARY MATRIX. (a) A  
21 public employer shall implement a progressive disciplinary matrix,  
22 as described by Section 143.0511, for municipal police officers if  
23 the municipality has not adopted Chapter 143.

24 (b) The public employer shall adopt rules necessary to  
25 implement the progressive disciplinary matrix.

26 SECTION 12. Section 142.067, Local Government Code, is  
27 amended to read as follows:

1           Sec. 142.067. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

2   (a) Except as provided by Subsection (b), a [A] written meet and  
3   confer agreement ratified under this subchapter preempts, during  
4   the term of the agreement and to the extent of any conflict, all  
5   contrary state statutes, local ordinances, executive orders, civil  
6   service provisions, or rules adopted by the head of the law  
7   enforcement agency or municipality or by a division or agent of the  
8   municipality, such as a personnel board or a civil service  
9   commission.

10          (b) An agreement under this subchapter:

11                 (1) must implement the progressive disciplinary  
12   matrix established under Section 142.0605 or 143.0511; and

13                 (2) may not conflict with and does not supersede a  
14   statute, ordinance, order, civil service provision, or rule  
15   concerning the disciplinary actions that may be imposed on a police  
16   officer under the progressive disciplinary matrix.

17          SECTION 13. Section 143.003, Local Government Code, is  
18   amended by adding Subdivision (6) to read as follows:

19                 (6) "Progressive disciplinary matrix" means a formal  
20   schedule for disciplinary actions that may be taken against a  
21   police officer as described by Section 143.0511.

22          SECTION 14. Section 143.008, Local Government Code, is  
23   amended by amending Subsection (c) and adding Subsection (c-1) to  
24   read as follows:

25                 (c) The commission shall adopt rules that prescribe cause  
26   for removal or suspension of a fire fighter [~~or police officer~~]. The  
27   rules must comply with the grounds for removal prescribed by

1 Section 143.051.

2 (c-1) The commission shall adopt rules that prescribe the  
3 disciplinary actions that may be taken against a police officer  
4 under a progressive disciplinary matrix.

5 SECTION 15. Subchapter D, Chapter 143, Local Government  
6 Code, is amended by adding Section 143.0511 to read as follows:

7 Sec. 143.0511. PROGRESSIVE DISCIPLINARY MATRIX. (a) The  
8 commission shall implement a progressive disciplinary matrix for  
9 infractions committed by police officers that consists of a range  
10 of progressive disciplinary actions applied in a standardized way  
11 based on the nature of the infraction and the officer's prior  
12 conduct record, including removal, suspension, change of duty or  
13 assignment, demotion, deduction of points from a promotional  
14 examination grade, retraining, a written warning, or a written  
15 reprimand.

16 (b) The progressive disciplinary matrix must include:

17 (1) standards for disciplinary actions relating to the  
18 use of force against another person, including the failure to  
19 de-escalate force incidents in accordance with departmental  
20 policy;

21 (2) standards for evaluating the level of discipline  
22 appropriate for uncommon infractions; and

23 (3) presumptive actions to be taken for each type of  
24 infraction and any adjustment to be made based on a police officer's  
25 previous disciplinary record.

26 SECTION 16. Section 143.057, Local Government Code, is  
27 amended by amending Subsection (a) and adding Subsection (b-1) to

1 read as follows:

2 (a) In addition to the other notice requirements prescribed  
3 by this chapter, the written notice for a promotional bypass or the  
4 letter of disciplinary action, as applicable, issued to a fire  
5 fighter or police officer must state that in an appeal of an  
6 indefinite suspension, a suspension, a promotional bypass, ~~or~~ a  
7 recommended demotion, or, if issued to a police officer, any other  
8 disciplinary sanction, the appealing fire fighter or police officer  
9 may elect to appeal to an independent third party hearing examiner  
10 instead of to the commission. The letter must also state that if the  
11 fire fighter or police officer elects to appeal to a hearing  
12 examiner, the person waives all rights to appeal to a district court  
13 except as provided by Subsection (j).

14 (b-1) A hearing examiner must presume a disciplinary action  
15 applied to a police officer under a progressive disciplinary matrix  
16 is reasonable unless the facts indicate that the department  
17 inappropriately applied a category of offense to the particular  
18 violation.

19 SECTION 17. Section [143.307](#), Local Government Code, is  
20 amended by amending Subsections (a) and (b) and adding Subsection  
21 (d) to read as follows:

22 (a) Except as provided by Subsection (d), an ~~An~~ agreement  
23 under this subchapter supersedes a previous statute concerning  
24 wages, salaries, rates of pay, hours of work, or other terms and  
25 conditions of employment to the extent of any conflict with the  
26 statute.

27 (b) Except as provided by Subsection (d), an ~~An~~ agreement

1 under this subchapter preempts any contrary statute, executive  
2 order, local ordinance, or rule adopted by the state or a political  
3 subdivision or agent of the state, including a personnel board, a  
4 civil service commission, or a home-rule municipality.

5 (d) An agreement under this subchapter affecting police  
6 officers:

7 (1) must implement the progressive disciplinary  
8 matrix established under Section 143.0511; and

9 (2) may not conflict with and does not supersede a  
10 statute, order, ordinance, or rule concerning the disciplinary  
11 actions that may be imposed on a police officer under the  
12 progressive disciplinary matrix.

13 SECTION 18. Section 143.361, Local Government Code, is  
14 amended by amending Subsections (a) and (b) and adding Subsection  
15 (d) to read as follows:

16 (a) Except as provided by Subsection (d), a [A] written  
17 agreement ratified under this subchapter between a public employer  
18 and the bargaining agent supersedes a previous statute concerning  
19 wages, salaries, rates of pay, hours of work, and other terms of  
20 employment other than pension benefits to the extent of any  
21 conflict with the previous statute.

22 (b) Except as provided by Subsection (d), a [A] written  
23 agreement ratified under this subchapter preempts all contrary  
24 local ordinances, executive orders, legislation, or rules adopted  
25 by the state or a political subdivision or agent of the state, such  
26 as a personnel board, a civil service commission, or a home-rule  
27 municipality.



1        (d) An agreement under this subchapter affecting police  
2 officers:

3            (1) must implement the progressive disciplinary  
4 matrix established under Section 143.0511; and

5            (2) may not conflict with and does not supersede an  
6 ordinance, order, statute, or rule concerning the disciplinary  
7 actions that may be imposed on a police officer under the  
8 progressive disciplinary matrix.

9        SECTION 19. Section 174.005, Local Government Code, is  
10 amended to read as follows:

11        Sec. 174.005. PREEMPTION OF OTHER LAW. (a) Except as  
12 provided by Subsection (b), this [~~This~~] chapter preempts all  
13 contrary local ordinances, executive orders, legislation, or rules  
14 adopted by the state or by a political subdivision or agent of the  
15 state, including a personnel board, civil service commission, or  
16 home-rule municipality.

17        (b) An agreement under this chapter may not conflict with an  
18 ordinance, order, statute, or rule concerning the disciplinary  
19 actions that may be imposed on municipal police officers under a  
20 progressive disciplinary matrix implemented by the municipal  
21 public employer.

22        SECTION 20. Section 174.006, Local Government Code, is  
23 amended by amending Subsection (a) and adding Subsection (a-1) to  
24 read as follows:

25        (a) Except as provided by Subsection (a-1), a [~~A~~] state or  
26 local civil service provision prevails over a collective bargaining  
27 contract under this chapter unless the collective bargaining

1 contract specifically provides otherwise.

2 (a-1) A collective bargaining contract affecting municipal  
3 police officers may not conflict with a state or local civil service  
4 provision implementing a progressive disciplinary matrix under  
5 this chapter or other law.

6 SECTION 21. Subchapter B, Chapter 174, Local Government  
7 Code, is amended by adding Section 174.024 to read as follows:

8 Sec. 174.024. PROGRESSIVE DISCIPLINARY MATRIX FOR CERTAIN  
9 POLICE OFFICERS. (a) A municipal public employer shall implement a  
10 progressive disciplinary matrix, as described by Section 143.0511,  
11 for municipal police officers if the municipality has not adopted  
12 Chapter 143.

13 (b) The municipal public employer shall adopt rules  
14 necessary to implement the progressive disciplinary matrix.

15 SECTION 22. Section 1701.2551(b), Occupations Code, is  
16 amended to read as follows:

17 (b) The basic peace officer training course must include  
18 training on:

19 (1) the prohibition against the intentional use of a  
20 choke hold, carotid artery hold, or similar neck restraint during a  
21 search or arrest by a peace officer as prescribed by Article 2.34,  
22 Code of Criminal Procedure [~~in searching or arresting a person,~~  
23 ~~unless the officer reasonably believes the restraint is necessary~~  
24 ~~to prevent serious bodily injury to or the death of the peace~~  
25 ~~officer or another person];~~

26 (2) the duty of a peace officer to intervene to stop or  
27 prevent another peace officer from using force against a person

1 suspected of committing an offense if:

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

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

6 (i) violates state or federal law;

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

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

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

26 SECTION 23. Section 1701.269(b), Occupations Code, as added  
27 by Chapter 722 (H.B. 3712), Acts of the 87th Legislature, Regular

1 Session, 2021, is amended to read as follows:

2 (b) The model training curriculum and model policies  
3 developed under Subsection (a) must include curriculum and policies  
4 regarding:

5 (1) the prohibition against the intentional  
6 ~~[curriculum and policies for banning the]~~ use of a choke hold,  
7 carotid artery hold, or similar neck restraint during a search or  
8 arrest by a peace officer as prescribed by Article 2.34, Code of  
9 Criminal Procedure ~~[in searching or arresting a person, unless the~~  
10 ~~officer reasonably believes the restraint is necessary to prevent~~  
11 ~~serious bodily injury to or the death of the peace officer or~~  
12 ~~another person]~~;

13 (2) ~~[curriculum and policies regarding]~~ the duty of a  
14 peace officer to intervene to stop or prevent another peace officer  
15 from using force against a person suspected of committing an  
16 offense if:

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

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

21 (i) violates state or federal law;

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

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

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

14           SECTION 24. Sections 9.51(a), (b), (c), and (d), Penal  
15 Code, are amended to read as follows:

16           (a) A peace officer, or a person acting in a peace officer's  
17 presence and at the officer's [~~his~~] direction, is justified in  
18 using nonlethal force against another when and to the degree [~~the~~  
19 ~~actor reasonably believes~~] the force is immediately necessary to  
20 make or assist in making an arrest or search, or to prevent or  
21 assist in preventing escape after arrest, if:

22           (1) the actor reasonably believes the arrest or search  
23 is lawful or, if the arrest or search is made under a warrant, the  
24 actor [~~he~~] reasonably believes the warrant is valid; [~~and~~]

25           (2) before using force, the actor:

26                   (A) manifests the actor's [~~his~~] purpose to arrest  
27 or search and identifies the actor [~~himself~~] as a peace officer or

1 as a person [~~one~~] acting at a peace officer's direction, unless the  
2 actor [~~he~~] reasonably believes the actor's [~~his~~] purpose and  
3 identity are already known by or cannot reasonably be made known to  
4 the person for whom the arrest or search is authorized;

5 (B) attempts to de-escalate the situation; and

6 (C) issues a warning that force will be used;

7 (3) the force used is proportionate to the threat  
8 posed and to the seriousness of the alleged offense;

9 (4) the actor immediately terminates the use of force  
10 the moment the person against whom force is used becomes compliant  
11 or is subdued; and

12 (5) the use of force does not present a serious risk of  
13 injury to any person other than the actor or the person against whom  
14 the force is used [~~to be arrested~~].

15 (b) A person who is not [~~other than~~] a peace officer [~~+~~] or  
16 [~~one~~] acting at a peace officer's [~~his~~] direction [~~+~~] is justified  
17 in using nonlethal force against another when and to the degree [~~the~~  
18 ~~actor reasonably believes~~] the force is immediately necessary to  
19 make or assist in making a lawful arrest, or to prevent or assist in  
20 preventing escape after lawful arrest if:

21 (1) [~~+~~] before using force, the actor:

22 (A) manifests the actor's [~~his~~] purpose to arrest  
23 and the reason for the arrest or reasonably believes the actor's  
24 [~~his~~] purpose and the reason are already known by or cannot  
25 reasonably be made known to the person for whom arrest is  
26 authorized;

27 (B) attempts to de-escalate the situation; and

1                    (C) issues a warning that force will be used;

2                    (2) the force used is proportionate to the threat  
3 posed and to the seriousness of the alleged offense;

4                    (3) the actor immediately terminates the use of force  
5 the moment the person against whom force is used becomes compliant  
6 or is subdued; and

7                    (4) the use of force does not present a serious risk of  
8 injury to any person other than the actor or the person against whom  
9 the force is used [to be arrested].

10                  (c) A peace officer is only justified in using deadly force  
11 against another when and to the degree [~~the peace officer~~  
12 ~~reasonably believes~~] the deadly force is immediately necessary to  
13 make an arrest, or to prevent escape after arrest, if the use of  
14 force would have been justified under Subsection (a) and:

15                  (1) [~~the actor reasonably believes the conduct for~~  
16 ~~which arrest is authorized included the use or attempted use of~~  
17 ~~deadly force; or~~

18                  [~~(2) the actor reasonably believes there is a~~  
19 ~~substantial risk that~~] the person for whom arrest is authorized  
20 poses an imminent threat of [to be arrested will cause] death or  
21 serious bodily injury to the actor or another;

22                  (2) the deadly force is used only against the person  
23 for whom arrest is authorized;

24                  (3) the actor immediately terminates the use of deadly  
25 force the moment the imminent threat of death or serious bodily  
26 injury is eliminated; and

27                  (4) no lesser degree of force could have eliminated

1 the imminent threat of death or serious bodily injury [~~if the arrest~~  
2 ~~is delayed~~].

3 (d) A person who is not [~~other than~~] a peace officer but is  
4 acting in a peace officer's presence and at the officer's [~~his~~]  
5 direction is justified in using deadly force against another when  
6 and to the degree [~~the person reasonably believes~~] the deadly force  
7 is immediately necessary to make a lawful arrest, or to prevent  
8 escape after a lawful arrest, if the use of force would have been  
9 justified under Subsection (b) and:

10 (1) [~~the actor reasonably believes the felony or~~  
11 ~~offense against the public peace for which arrest is authorized~~  
12 ~~included the use or attempted use of deadly force; or~~

13 [~~(2) the actor reasonably believes there is a~~  
14 ~~substantial risk that~~] the person for whom arrest is authorized  
15 poses an imminent threat of [~~to be arrested will cause~~] death or  
16 serious bodily injury to another;

17 (2) the deadly force is used only against the person  
18 for whom arrest is authorized;

19 (3) the actor immediately terminates the use of deadly  
20 force the moment the imminent threat of death or serious bodily  
21 injury is eliminated; and

22 (4) no lesser degree of force could have eliminated  
23 the imminent threat of death or serious bodily injury [~~if the arrest~~  
24 ~~is delayed~~].

25 SECTION 25. Subchapter E, Chapter 9, Penal Code, is amended  
26 by adding Section 9.515 to read as follows:

27 Sec. 9.515. PROHIBITED TECHNIQUES. Notwithstanding any



1 other law, the use of force or deadly force against a person is not  
2 justified under Section 9.51 if the force or deadly force is used in  
3 a manner that impedes the normal breathing or circulation of the  
4 blood of the person by applying pressure to the person's throat or  
5 neck or by blocking the person's nose or mouth.

6 SECTION 26. Section 543.001, Transportation Code, is  
7 amended to read as follows:

8 Sec. 543.001. ARREST WITHOUT WARRANT AUTHORIZED. Any peace  
9 officer may arrest without warrant a person found committing a  
10 violation of this subtitle, other than a person found only  
11 committing one or more misdemeanors punishable by fine only.

12 SECTION 27. Section 543.004(a), Transportation Code, is  
13 amended to read as follows:

14 (a) An officer shall issue a written notice to appear if:

15 (1) the offense charged is a misdemeanor under this  
16 subtitle that is punishable by fine only[+

17 [~~(A) speeding,~~

18 [~~(B) the use of a wireless communication device~~  
19 ~~under Section 545.4251, or~~

20 [~~(C) a violation of the open container law,~~  
21 ~~Section 49.031, Penal Code]~~; and

22 (2) the person makes a written promise to appear in  
23 court as provided by Section 543.005.

24 SECTION 28. Section 9.51(e), Penal Code, is repealed.

25 SECTION 29. Chapter 117, Civil Practice and Remedies Code,  
26 as added by this Act, applies only to a cause of action that accrues  
27 on or after the effective date of this Act.

1           SECTION 30. (a) Not later than January 1, 2024, Texas  
2 Southern University shall publish the model policies required by  
3 Articles 2.1309(b) and 2.36(b), Code of Criminal Procedure, as  
4 added by this Act.

5           (b) Not later than March 1, 2024, each law enforcement  
6 agency in this state shall adopt the policies required by Articles  
7 2.1309(c) and 2.36(e), Code of Criminal Procedure, as added by this  
8 Act.

9           SECTION 31. Articles 14.01, 14.03, and 14.06, Code of  
10 Criminal Procedure, as amended by this Act, Section 9.515, Penal  
11 Code, as added by this Act, and Sections 543.001 and 543.004,  
12 Transportation Code, as amended by this Act, apply only to an  
13 offense committed on or after the effective date of this Act. An  
14 offense committed before the effective date of this Act is governed  
15 by the law in effect on the date the offense was committed, and the  
16 former law is continued in effect for that purpose. For purposes of  
17 this section, an offense was committed before the effective date of  
18 this Act if any element of the offense occurred before that date.

19           SECTION 32. Article 38.141, Code of Criminal Procedure, as  
20 amended by this Act, applies to any case in which a judgment is  
21 entered on or after the effective date of this Act. A case in which  
22 a judgment is entered before the effective date of this Act is  
23 governed by the law in effect on the date the judgment was entered,  
24 and the former law is continued in effect for that purpose.

25           SECTION 33. The changes in law made by this Act to the Local  
26 Government Code apply only to a disciplinary action for conduct  
27 that occurs on or after March 1, 2024. Conduct that occurs before

1 that date is governed by the law in effect immediately before that  
2 date, and the former law is continued in effect for that purpose.

3 SECTION 34. Sections 142.067(b), 143.307(d), 143.361(d),  
4 174.005(b), and 174.006(a-1), Local Government Code, as added by  
5 this Act, apply only to an agreement entered into or renewed on or  
6 after March 1, 2024. An agreement entered into or renewed before  
7 March 1, 2024, is governed by the law in effect on the date the  
8 agreement was entered into or renewed, and the former law is  
9 continued in effect for that purpose.

10 SECTION 35. (a) The Bill Blackwood Law Enforcement  
11 Management Institute of Texas shall consult with law enforcement  
12 agencies of all sizes, law enforcement associations, law  
13 enforcement training experts, and appropriate organizations  
14 engaged in the development of law enforcement policy to develop a  
15 model progressive disciplinary matrix, as defined by Section  
16 143.003(6), Local Government Code, as added by this Act, and  
17 associated training materials regarding the application of that  
18 matrix. The institute shall provide for a period of public comment  
19 before adopting the model progressive disciplinary matrix and  
20 training materials.

21 (b) Not later than January 1, 2024, the institute shall  
22 adopt and disseminate the model progressive disciplinary matrix and  
23 training materials to all law enforcement agencies and civil  
24 service commissions in this state.

25 (c) This section expires September 1, 2024.

26 SECTION 36. Section 9.51, Penal Code, as amended by this  
27 Act, applies only to use of force that occurs on or after March 1,

1 2024.

2           SECTION 37. To the extent of any conflict, this Act prevails  
3 over another Act of the 88th Legislature, Regular Session, 2023,  
4 relating to nonsubstantive additions to and corrections in enacted  
5 codes.

6           SECTION 38. This Act takes effect September 1, 2023.