

By: Thompson of Harris

H.B. No. 2521

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the prohibition on the use of a neck restraint by a  
3 peace officer during a search or arrest.

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

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

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

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

15 (2) the officer discontinues the restraint as soon as  
16 the threat of serious bodily injury or death described by  
17 Subdivision (1) has passed.

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

20 (b) The basic peace officer training course must include  
21 training on:

22 (1) the prohibition against the intentional use of a  
23 choke hold, carotid artery hold, or similar neck restraint during a  
24 search or arrest by a peace officer as prescribed by Article 2.34,

1 Code of Criminal Procedure [~~in searching or arresting a person,~~  
2 ~~unless the officer reasonably believes the restraint is necessary~~  
3 ~~to prevent serious bodily injury to or the death of the peace~~  
4 ~~officer or another person~~];

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

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

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

12 (i) violates state or federal law;

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

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

19 (3) the duty of a peace officer who encounters an  
20 injured person while discharging the officer's official duties to  
21 immediately and as necessary request emergency medical services  
22 personnel to provide the person with emergency medical services  
23 and, while waiting for emergency medical services personnel to  
24 arrive, provide first aid or treatment to the person to the extent  
25 of the officer's skills and training, unless the request for  
26 emergency medical services personnel or the provision of first aid  
27 or treatment would expose the officer or another person to a risk of

1 bodily injury or the officer is injured and physically unable to  
2 make the request or provide the treatment.

3 SECTION 3. Section 1701.269(b), Occupations Code, as added  
4 by Chapter 722 (H.B. 3712), Acts of the 87th Legislature, Regular  
5 Session, 2021, is amended to read as follows:

6 (b) The model training curriculum and model policies  
7 developed under Subsection (a) must include curriculum and policies  
8 regarding:

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

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

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

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

25 (i) violates state or federal law;

26 (ii) puts a person at risk of bodily injury,

27 as that term is defined by Section 1.07, Penal Code, and is not

1 immediately necessary to avoid imminent bodily injury to a peace  
2 officer or other person; and

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

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

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

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