

By: West

S.B. No. 2096

A BILL TO BE ENTITLED

AN ACT

relating to the use of force by peace officers and other officer interactions and duties.

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

SECTION 1. This Act shall be known as the Atatiana Jefferson Safe Use of Force Act.

SECTION 2. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.36 and 2.37 to read as follows:

Art. 2.36. LAW ENFORCEMENT POLICY ON USE OF FORCE AND OFFICER INTERACTIONS. (a) In this article, "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 shall adopt and implement the model policy developed by the Texas Commission on Law Enforcement under Section 1701.165, Occupations Code.

Art. 2.37. DUTIES OF PEACE OFFICER PERFORMING WELFARE CHECK. (a) In this article, "welfare check" means a call for service requesting a peace officer to inquire into the health and safety of a person at the person's residence.

(b) On arriving to the residence of a person who is the subject of a welfare check, the peace officer performing the welfare check shall:

(1) call the telephone number associated with the

1 residence, the person who is the subject of the requested welfare
2 check, or another person who lives at the residence; and

3 (2) document the result of the call.

4 SECTION 3. Subchapter D, Chapter 1701, Occupations Code, is
5 amended by adding Section 1701.165 to read as follows:

6 Sec. 1701.165. MODEL POLICY ON USE OF FORCE AND OTHER
7 OFFICER INTERACTIONS. (a) The commission shall develop and make
8 available to all law enforcement agencies in this state a model
9 policy and associated training materials regarding the use of force
10 by peace officers and other officer interactions. The model policy
11 must:

12 (1) contain instructions on conflict de-escalation
13 and the use of force in a manner proportionate to the threat posed
14 and to the seriousness of the alleged offense;

15 (2) prohibit a peace officer from discharging a
16 firearm at a moving vehicle, unless:

17 (A) the vehicle is clearly being used as a weapon
18 against the officer or against another person involved in the
19 incident; or

20 (B) an occupant of the vehicle is using or
21 threatening to use deadly force by means other than by means of the
22 vehicle itself against the officer or another person involved in
23 the incident;

24 (3) require training on using the minimum amount of
25 force necessary to protect a person who poses a danger only to the
26 person and not to others, as based on the situation;

27 (4) require the law enforcement agency to provide

1 training on methods to assist peace officers of the agency on
2 identifying behaviors that indicate a person is not a threat to
3 others but is a person with an intellectual disability or
4 experiencing a mental health crisis, a mental illness, or an
5 extreme reaction to a controlled substance;

6 (5) require training on using the minimum amount of
7 force necessary in situations that present a high risk of bodily
8 injury to a bystander against whom the use of force is not
9 justified;

10 (6) require a peace officer who is not in uniform and
11 who interacts with a member of the public to make an identification
12 as a peace officer before taking any action within the course and
13 scope of the officer's official duties, unless the identification
14 would render the action impracticable;

15 (7) prohibit the use of deadly force unless the use of
16 deadly force is immediately necessary to prevent serious bodily
17 injury to or the death of the officer or another;

18 (8) require a law enforcement agency that allows peace
19 officers to use lethal weapons to have a policy regarding the use of
20 those weapons and to provide regular peace officer training on the
21 use of less lethal weapons to support the use of de-escalation
22 techniques by the officers, especially for officers who regularly
23 interact with members of the public or who are assigned to duties
24 involving regular interaction with persons with a mental illness or
25 an intellectual disability; and

26 (9) provide guidance on best practices in pursuing a
27 suspect fleeing arrest.

1 (b) In developing the model policy under this section, the
2 commission:

3 (1) shall consult with and solicit input from:

4 (A) the Bill Blackwood Law Enforcement
5 Management Institute of Texas located at Sam Houston State
6 University;

7 (B) the Caruth Police Institute located at the
8 University of North Texas at Dallas; and

9 (C) organizations representing law enforcement
10 administrators, law enforcement officers, prosecutors, criminal
11 defense attorneys, and the public; and

12 (2) may consult with and solicit input from any other
13 interested person the commission determines appropriate.

14 SECTION 4. (a) Not later than January 1, 2024, the Texas
15 Commission on Law Enforcement shall develop and make available the
16 model policy and associated training materials required under
17 Section 1701.165, Occupations Code, as added by this Act.

18 (b) Not later than March 1, 2024, each law enforcement
19 agency in this state shall adopt and implement the model policy
20 required by Article 2.36, Code of Criminal Procedure, as added by
21 this Act.

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