

By: VanDeaver

H.B. No. 1108

A BILL TO BE ENTITLED

AN ACT

relating to motorcycle profiling by peace officers.

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

SECTION 1. Chapter 2B, Code of Criminal Procedure, is amended by adding Subchapter B-1 to read as follows:

SUBCHAPTER B-1. MOTORCYCLE PROFILING

Art. 2B.0081. DEFINITIONS. In this subchapter:

(1) "Law enforcement agency" has the meaning assigned by Article 2B.0053.

(2) "Motor vehicle stop" has the meaning assigned by Article 2B.0051.

(3) "Motorcycle profiling" means a law enforcement-initiated action based wholly or partly on an individual operating a motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. The term includes a motor vehicle stop that is made with respect to an individual operating a motorcycle and that the peace officer extends beyond the period necessary to effectuate the purpose of the stop.

Art. 2B.0082. MOTORCYCLE PROFILING PROHIBITED. A peace officer may not engage in motorcycle profiling.

Art. 2B.0083. LAW ENFORCEMENT POLICY ON MOTORCYCLE PROFILING. Each law enforcement agency in this state shall adopt a

1 detailed written policy on motorcycle profiling. The policy must:

2 (1) clearly define acts constituting motorcycle
3 profiling;

4 (2) strictly prohibit peace officers employed by the
5 agency from engaging in motorcycle profiling;

6 (3) implement a process by which an individual may
7 file a complaint with the agency if the individual believes that a
8 peace officer employed by the agency has engaged in motorcycle
9 profiling with respect to the individual; and

10 (4) require the agency employing a peace officer to
11 take appropriate corrective action against the peace officer after
12 an investigation shows that the peace officer has engaged in
13 motorcycle profiling in violation of the agency's policy adopted
14 under this article.

15 SECTION 2. Not later than December 1, 2025, each law
16 enforcement agency in this state shall adopt the policy required by
17 Article 2B.0083, Code of Criminal Procedure, as added by this Act.

18 SECTION 3. This Act takes effect September 1, 2025.