

By: Jones of Harris

H.B. No. 4493

A BILL TO BE ENTITLED

AN ACT

relating to the duty of a peace officer to use a standardized lethality assessment protocol when investigating a family violence allegation or responding to a disturbance call that may involve family violence; providing training requirements for peace officers and reporting requirements for the Department of Public Safety.

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

SECTION 1. This Act shall be known as the Family Violence Lethality Assessment Act.

SECTION 2. (a) The legislature finds that:

(1) family violence is a serious public health and safety issue that often escalates to severe bodily injury or death;

(2) studies have shown that certain risk factors can predict the likelihood of lethal violence in family violence situations; and

(3) the use of a lethality assessment protocol by law enforcement officers at the scene of an assault or family violence incident can help identify victims at high risk of serious bodily injury or death and connect victims with necessary resources.

(b) The purpose of this Act is to require all law enforcement agencies in this state to administer a standardized lethality assessment questionnaire when investigating a family violence allegation or responding to a disturbance call that may

involve family violence.

SECTION 3. Chapter 5, Code of Criminal Procedure, is amended by adding Article 5.042 to read as follows:

Art. 5.042. LETHALITY ASSESSMENT PROTOCOL. (a) In this article, "lethality assessment protocol" means a standardized screening tool administered by law enforcement officers to assess the risk of serious bodily injury or death in cases of family violence.

(b) In addition to a peace officer's duties under Article 5.04, a peace officer who investigates a family violence allegation or who responds to a disturbance call that may involve family violence shall immediately administer a lethality assessment protocol under this article on arrival at the scene if:

(1) there is physical evidence of an assault;  
(2) the alleged victim exhibits fear or distress; or  
(3) the officer believes there is an ongoing threat to the safety of the victim or other person, such as a child, who is present at the scene.

(c) An officer administering the lethality assessment protocol shall ask the alleged victim the following questions:

(1) "Has the aggressor ever used or threatened to use a weapon against you or your children?";

(2) "Has the aggressor ever threatened to kill you or your children?";

(3) "Do you believe the aggressor will try to kill you or your children?";

(4) "Has the aggressor ever choked or attempted to

choke you or your children?";

(5) "Does the aggressor have access to or the ability to easily obtain a gun?";

(6) "Is the aggressor violently or constantly jealous, or does the aggressor control most of your daily activities?";

(7) "Have you recently left or separated from the aggressor after living together or being married?";

(8) "Is the aggressor unemployed?";

(9) "To your knowledge, has the aggressor ever attempted suicide?";

(10) "Do you have a child that the aggressor believes is not his biological offspring?";

(11) "Has the aggressor ever followed, spied on, or left threatening messages for you?"; and

(12) "Is there anything else that makes you fear for the safety of you or your children?".

(d) If the victim answers "yes" to any question under Subsections (c)(1)-(5) or answers "yes" to a total of four or more questions under Subsection (c), the officer shall:

(1) inform the victim and other persons present at the scene, as applicable, that they are at high risk of serious bodily injury or death;

(2) contact a family violence center or victim advocate for assistance;

(3) immediately escort the victim and other persons, as applicable, from the premises or provide standby assistance under Article 5.045; and

1           (4) inform the victim about the procedure for applying  
2 for a protective order.

3           (e) If, based on the victim's answers to the questions under  
4 Subsection (c), the requirements of Subsection (d) do not apply,  
5 the officer shall assist the victim in safety planning and refer the  
6 victim to local family violence support services if, in the  
7 officer's opinion, the victim exhibits signs of distress.

8           (f) Each law enforcement agency shall:

9           (1) maintain a record of each lethality assessment  
10 administered by an officer of that agency as provided by this  
11 article, including:

12                   (A) the number of times the assessment was  
13 conducted;

14                   (B) the number of cases identified as high risk;  
15 and

16                   (C) the number of victims referred to local  
17 family violence support services; and

18           (2) provide the information described by Subdivision  
19 (1) to the Department of Public Safety in the form and manner  
20 prescribed by the department.

21           SECTION 4. Subchapter D, Chapter 411, Government Code, is  
22 amended by adding Section 411.056 to read as follows:

23           Sec. 411.056. ANNUAL REPORT ON USE OF FAMILY VIOLENCE  
24 LETHALITY ASSESSMENT PROTOCOL. (a) In this section, "lethality  
25 assessment protocol" has the meaning assigned by Article 5.042(a),  
26 Code of Criminal Procedure.

27           (b) Not later than May 30 of each year, the department shall

1 submit to the legislature a report on the use of the lethality  
2 assessment protocol in responding to cases of family violence.

3 (c) The department shall compile the report required under  
4 this section by aggregating the data received from law enforcement  
5 agencies under Article 5.042(f), Code of Criminal Procedure, and  
6 any other relevant data available to the department.

7 SECTION 5. Section 1701.253, Occupations Code, is amended  
8 by adding Subsection (u) to read as follows:

9 (u) As part of the minimum curriculum requirements, the  
10 commission shall require an officer to complete the training  
11 program established under Section 1701.273.

12 SECTION 6. Subchapter F, Chapter 1701, Occupations Code, is  
13 amended by adding Section 1701.273 to read as follows:

14 Sec. 1701.273. TRAINING PROGRAM ON FAMILY VIOLENCE  
15 LETHALITY ASSESSMENT PROTOCOL. (a) In this section, "lethality  
16 assessment protocol" has the meaning assigned by Article 5.042(a),  
17 Code of Criminal Procedure.

18 (b) The commission by rule shall establish and maintain a  
19 training program on:

20 (1) administering the lethality assessment protocol;  
21 and

22 (2) recognizing high-risk family violence cases.

23 (c) The commission shall require an officer to complete the  
24 training program unless the officer has completed the training  
25 under Section 1701.253(u) or other training equivalent to the  
26 training program as determined by the commission.

27 SECTION 7. Article 5.042, Code of Criminal Procedure, as

1 added by this Act, applies only to a peace officer's investigation  
2 or response that occurs on or after the effective date of this Act.  
3 An investigation or response that occurs before the effective date  
4 of this Act is governed by the law in effect on the date that the  
5 investigation or response occurred, and the former law is continued  
6 in effect for that purpose.

7       SECTION 8. As soon as practicable after the effective date  
8 of this Act, the Texas Commission on Law Enforcement shall adopt  
9 rules necessary to implement the changes in law made by this Act to  
10 Chapter 1701, Occupations Code.

11       SECTION 9. The minimum curriculum requirements under  
12 Section 1701.253(u), Occupations Code, as added by this Act, apply  
13 only to an officer who first begins to satisfy those requirements on  
14 or after January 1, 2026.

15       SECTION 10. An officer who, on September 1, 2025, holds a  
16 license under Chapter 1701, Occupations Code, shall complete the  
17 training required by Section 1701.273, Occupations Code, as added  
18 by this Act, not later than September 1, 2029.

19       SECTION 11. This Act takes effect September 1, 2025.