

By: Burnam

H.B. No. 1933

A BILL TO BE ENTITLED

AN ACT

relating to the use of and reporting concerning the use of Tasers and other stun guns by law enforcement agencies.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.31 through 2.36 to read as follows:

Art. 2.31. PURCHASE OF CERTAIN TASERS AND OTHER STUN GUNS PROHIBITED. In this article and Articles 2.32-2.34:

(1) "Law enforcement agency" means an agency of the state, or of a county, municipality, or other political subdivision of the state, that employs peace officers.

(2) "Stun gun" means a device that is intended, designed, made, or adapted to immobilize a person by inflicting an electrical charge.

(3) "Taser" means a stun gun that is manufactured, sold, or distributed by Taser International Incorporated.

Art. 2.32. LAW ENFORCEMENT POLICY ON TASERS AND OTHER STUN GUNS. (a) Each law enforcement agency in this state shall adopt a detailed written policy on the use of Tasers and other stun guns.

The policy must:

(1) require appropriate corrective action to be taken against a peace officer employed by the agency who, after an investigation, is shown to have used a Taser or other stun gun in violation of the agency's policy adopted under this article;

1 (2) require collection of information relating to
2 incidents and arrests during which a Taser or other stun gun is used
3 by a peace officer, including information relating to the ethnicity
4 of the individual against whom the peace officer used the Taser or
5 other stun gun;

6 (3) require quarterly evaluation and analysis of
7 information collected by the agency as required by Subdivision (2);
8 and

9 (4) require the agency to submit to the governing body
10 of each county or municipality served by the agency an annual report
11 of the information analyzed under Subdivision (3).

12 (b) A report required under Subsection (a)(4) may not
13 include identifying information about a peace officer who uses a
14 Taser or other stun gun or about an individual against whom a peace
15 officer uses a Taser or other stun gun.

16 Art. 2.33. REPORTS REQUIRED FOR TASER OR OTHER STUN GUN USE.

17 A peace officer who uses a Taser or other stun gun against an
18 individual shall report to the law enforcement agency that employs
19 the officer:

20 (1) a physical description of the individual against
21 whom the Taser or other stun gun was used, including:

22 (A) the individual's gender; and

23 (B) the individual's ethnicity, as stated by the
24 individual or, if the individual does not state the individual's
25 ethnicity, as determined by the officer to the best of the officer's
26 ability;

27 (2) the law or ordinance alleged to have been violated

1 or the suspected offense;

2 (3) whether the officer conducted a search and, if so,
3 whether the individual detained consented to the search;

4 (4) what type of contraband, if any, was discovered in
5 the course of any search conducted;

6 (5) whether probable cause to conduct a search existed
7 and the facts supporting the existence of that probable cause;

8 (6) whether the officer made an arrest during the
9 incident in which the Taser or other stun gun was used, including a
10 statement of any offense charged; and

11 (7) the street address or approximate location of the
12 use of the Taser or other stun gun.

13 Art. 2.34. COMPILATION AND ANALYSIS OF INFORMATION
14 COLLECTED. (a) A law enforcement agency shall compile and analyze
15 the information contained in each report received by the agency
16 under Article 2.33 and, not later than March 1 of each year, submit
17 a report containing the information compiled during the previous
18 calendar year to the governing body of each county or municipality
19 served by the agency in a manner approved by the agency.

20 (b) A report required under Subsection (a) must include:

21 (1) a comparative analysis of the information compiled
22 under Article 2.33 to determine any patterns in Taser or other stun
23 gun use by peace officers employed by the agency; and

24 (2) information relating to each complaint filed with
25 the agency regarding use of a Taser or other stun gun by a peace
26 officer employed by the agency.

27 (c) A report required under Subsection (a) may not include

1 identifying information about a peace officer who uses a Taser or
2 other stun gun or about an individual against whom a peace officer
3 uses a Taser or other stun gun.

4 (d) The Commission on Law Enforcement Officer Standards and
5 Education shall develop guidelines for compiling and reporting
6 information as required by this article.

7 Art. 2.35. LIABILITY. A peace officer is not liable for
8 damages arising from an act relating to the collection or reporting
9 of information as required by Article 2.33 or under a policy adopted
10 under Article 2.32.

11 Art. 2.36. RULES. The Department of Public Safety may adopt
12 rules to implement Articles 2.31-2.35.

13 SECTION 2. Not later than January 1, 2008, a law
14 enforcement agency shall adopt and implement a policy and begin
15 collecting information under the policy as required by Article
16 2.32, Code of Criminal Procedure, as added by this Act. A law
17 enforcement agency shall first submit information to the governing
18 body of each county or municipality served by the agency as required
19 by Article 2.32, Code of Criminal Procedure, as added by this Act,
20 on March 1, 2009. The first submission of information shall consist
21 of information compiled by the agency during the period beginning
22 January 1, 2008, and ending December 31, 2008.

23 SECTION 3. A law enforcement agency shall first submit
24 information to the governing body of each county or municipality
25 served by the agency as required by Article 2.34, Code of Criminal
26 Procedure, as added by this Act, on March 1, 2010. The first
27 submission of information shall consist of information compiled by

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1 the agency during the period beginning January 1, 2009, and ending
2 December 31, 2009.

3 SECTION 4. This Act takes effect September 1, 2007.