

By: Reynolds

H.B. No. 1840

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the appointment by the attorney general of a special  
3 prosecutor to prosecute certain offenses committed that cause  
4 serious bodily injury or death by peace officers.

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

6 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
7 amended by adding Article 2.081 to read as follows:

8 Art. 2.081. APPOINTMENT OF SPECIAL PROSECUTOR FOR  
9 OFFICER-INVOLVED INJURIES OR DEATHS. (a) In this article:

10 (1) "Officer-involved injury or death" means any  
11 serious bodily injury or death caused by a peace officer acting  
12 under the authority of the state or a political subdivision of the  
13 state.

14 (2) "Prosecuting attorney" means a district attorney,  
15 criminal district attorney, or county attorney.

16 (3) "Serious bodily injury" has the meaning assigned  
17 by Section 1.07, Penal Code.

18 (b) A prosecuting attorney is disqualified from prosecuting  
19 a peace officer who serves an area also served by the attorney for  
20 any offense arising out of an officer-involved injury or death.

21 (c) Notwithstanding Article 2.07(a), the attorney general  
22 shall appoint a special prosecutor to perform the duties of a  
23 prosecuting attorney in a case for which the prosecuting attorney  
24 is disqualified under Subsection (b).

1 SECTION 2. Chapter 2, Code of Criminal Procedure, is  
2 amended by adding Article 2.139 to read as follows:

3 Art. 2.139. OFFICER-INVOLVED INJURY OR DEATH. (a) In this  
4 article:

5 (1) "Law enforcement agency" means an agency of the  
6 state or an agency of a political subdivision of the state  
7 authorized by law to employ peace officers.

8 (2) "Officer-involved injury or death" has the meaning  
9 assigned by Article 2.081(a).

10 (b) As soon as practicable after an officer-involved injury  
11 or death, the law enforcement agency employing the peace officer or  
12 officers involved shall report the incident to the attorney  
13 general.

14 (c) A law enforcement agency that submits a report under  
15 Subsection (b) shall cooperate with the special prosecutor  
16 appointed by the attorney general under Article 2.081 in the  
17 prosecution of any offense arising out of an officer-involved  
18 injury or death.

19 SECTION 3. (a) Not later than January 1, 2016, each law  
20 enforcement agency shall comply with the requirements under Article  
21 2.139, Code of Criminal Procedure, as added by this Act.

22 (b) Article 2.081, Code of Criminal Procedure, as added by  
23 this Act, applies only to the prosecution of an offense arising out  
24 of an officer-involved injury or death occurring on or after  
25 January 1, 2016. The prosecution of an offense arising out of an  
26 officer-involved injury or death occurring before January 1, 2016,  
27 is governed by the law in effect on the date the injury or death

1 occurred, and the former law is continued in effect for that  
2 purpose. For purposes of this subsection, "officer-involved injury  
3 or death" has the meaning assigned by Article 2.081(a), Code of  
4 Criminal Procedure, as added by this Act.

5         SECTION 4. This Act takes effect immediately if it receives  
6 a vote of two-thirds of all the members elected to each house, as  
7 provided by Section 39, Article III, Texas Constitution. If this  
8 Act does not receive the vote necessary for immediate effect, this  
9 Act takes effect September 1, 2015.