

By: Gutierrez

H.B. No. 2357

A BILL TO BE ENTITLED

AN ACT

relating to the investigation of deaths involving peace officers.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.023 to read as follows:

Art. 2.023. REVIEW OF OFFICER-INVOLVED DEATHS. (a) In this article:

(1) "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.

(2) "Law enforcement review board" means the board established under Section 402.038, Government Code.

(3) "Officer-involved death" means any death caused by a peace officer acting under the authority of the state or a political subdivision of the state.

(b) Each law enforcement agency shall adopt a written policy detailing the procedure for investigating officer-involved deaths. The policy must require:

(1) a team of three investigators to investigate the officer-involved death, two of whom must be employed by a law enforcement agency that does not employ a peace officer involved in the death being investigated; and

(2) if the death being investigated is traffic related, the use of a crash reconstruction unit from a law

1 enforcement agency that does not employ a peace officer involved in
2 the death being investigated.

3 (c) A law enforcement agency may conduct an internal
4 investigation into an officer-involved death if the internal
5 investigation does not interfere with the investigation required
6 under Subsection (b) or (e).

7 (d) The investigative team established under Subsection (b)
8 shall submit a report to the law enforcement review board on the
9 officer-involved death on conclusion of the team's investigation.

10 (e) As soon as practicable after receiving the
11 investigative team's report, the law enforcement review board shall
12 review the report and conduct or direct the team to conduct
13 additional investigations as necessary. When the review is
14 completed, the board may make recommendations as follows:

15 (1) regarding prosecution, to the prosecutor with
16 felony jurisdiction in the county in which the death occurred; and

17 (2) regarding disciplinary measures, to:

18 (A) the chief administrator of the law
19 enforcement agency that employs the peace officer involved in the
20 death being investigated; and

21 (B) the Texas Commission on Law Enforcement.

22 (f) Not later than 72 hours after the law enforcement review
23 board's review is completed, the office of the attorney general
24 shall post the investigative team's report and the board's
25 recommendations on the office's Internet website, redacting any
26 information required to be kept confidential by other law.

27 SECTION 2. Subchapter B, Chapter 402, Government Code, is

1 amended by adding Section 402.038 to read as follows:

2 Sec. 402.038. LAW ENFORCEMENT REVIEW BOARD. (a) In this
3 section, "board" means the law enforcement review board established
4 under this section.

5 (b) The law enforcement review board is established to
6 investigate and review each death caused by a peace officer acting
7 under the authority of the state or a political subdivision of the
8 state, as required by Article 2.023, Code of Criminal Procedure.

9 (c) The office of the attorney general shall provide staff,
10 a main office, and other support necessary for the board to perform
11 the board's duties under this section.

12 (d) The board is composed of the following members appointed
13 by the governor:

14 (1) an assistant attorney general;

15 (2) a retired judge as defined by Section [74.041](#);

16 (3) a former district attorney or assistant district
17 attorney with at least 10 years' experience in that capacity;

18 (4) a former sheriff, chief deputy sheriff, or chief
19 of police; and

20 (5) a professor or researcher affiliated with a state
21 institution of higher education who has expertise in the field of
22 criminal law or criminal justice.

23 (e) Members of the board serve staggered terms of six years
24 with the terms of one or two members expiring February 1 of each
25 odd-numbered year. A vacancy on the board is filled in the same
26 manner as the original appointment.

27 (f) Members of the board serve without compensation but are

1 entitled to be reimbursed for reasonable and necessary expenses
2 incurred in performing official duties.

3 (g) The board shall adopt rules as necessary to implement
4 this section.

5 SECTION 3. (a) Not later than December 1, 2015, the
6 governor shall make the appointments to the law enforcement review
7 board as required by Section 402.038, Government Code, as added by
8 this Act. In appointing the initial members of the board, the
9 governor shall appoint one member to a term expiring February 1,
10 2017, two to terms expiring February 1, 2019, and two to terms
11 expiring February 1, 2021.

12 (b) Not later than January 1, 2016, each law enforcement
13 agency shall comply with the requirements under Article 2.023, Code
14 of Criminal Procedure, as added by this Act.

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