

By: Rodriguez

S.B. No. 1037

A BILL TO BE ENTITLED

AN ACT

relating to law enforcement training programs and policies on using appropriate nonlethal force and nonviolent restraint; changing the education requirements for licensure as a peace officer.

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

SECTION 1. Article 2.13, Code of Criminal Procedure, is amended by adding Subsection (d) to read as follows:

(d) A peace officer shall:

(1) use all reasonable means to avoid using deadly force against an unarmed suspect; and

(2) use the least amount of force necessary to restrain an uncooperative suspect, if practicable.

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

Art. 2.139. POLICIES ON APPROPRIATE USE OF FORCE. (a) In this article, "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.

(b) Each law enforcement agency in this state shall adopt a policy on the appropriate use of force by officers.

(c) The policy must include:

(1) guidance on the relevant laws regarding the use of deadly force;

(2) procedures for dealing with armed and unarmed

1 suspects;

2 (3) specific techniques to restrain or subdue a
3 suspect without the use of deadly force or restraint that causes
4 significant bodily injury; and

5 (4) disciplinary sanctions to be taken against an
6 officer who violates the policy.

7 (d) As appropriate, the policy must provide examples of
8 specific situations that an officer may encounter and the
9 recommended course of action for each situation.

10 SECTION 3. Section 1701.253, Occupations Code, is amended
11 by adding Subsection (1) to read as follows:

12 (1) As part of the minimum curriculum requirements, the
13 commission shall require an officer to complete a training program
14 on nonlethal force and nonviolent restraint established by the
15 commission under Section 1701.2532.

16 SECTION 4. Subchapter F, Chapter 1701, Occupations Code, is
17 amended by adding Section 1701.2532 to read as follows:

18 Sec. 1701.2532. NONLETHAL FORCE AND NONVIOLENT RESTRAINT
19 TRAINING PROGRAM. (a) The commission shall establish a statewide
20 comprehensive education and training program on the use of
21 nonlethal force and nonviolent restraint. The training program
22 must consist of at least eight hours of classroom instruction and
23 practical training in:

24 (1) the appropriate use of force in the continuum of
25 situations faced by an officer, including when faced with an
26 unarmed suspect;

27 (2) the relevant state and federal law relating to

1 force and deadly force;

2 (3) the use of a nightstick, baton, or similar club for
3 nonviolent restraint in a manner intended to minimize bodily injury
4 to the suspect;

5 (4) the use of pepper spray for subduing a suspect
6 without using lethal force; and

7 (5) the use of any other weapons or methods that the
8 commission determines by rule.

9 (b) The training program may not be provided as an online
10 course.

11 (c) At least once every three years, the commission shall
12 review the content of the training program under this section and
13 update the program as necessary.

14 (d) Except as provided by Section 1701.352(b-1), an officer
15 who completes the training program established under this section
16 is not required to retake the program.

17 (e) Each officer who has not completed the training program
18 as required by Section 1701.253(1) shall complete the training
19 program not later than September 1, 2017.

20 (f) Subsection (e) and this subsection expire January 1,
21 2019.

22 SECTION 5. Section 1701.256, Occupations Code, is amended
23 to read as follows:

24 Sec. 1701.256. INSTRUCTION IN WEAPONS PROFICIENCY
25 REQUIRED. A peace officer training program under Section
26 1701.251(a) must provide instruction in weapons proficiency. The
27 instruction must include training in the use of a nightstick,

1 baton, or similar club, pepper spray, and any other weapon the
2 commission determines by rule.

3 SECTION 6. Section 1701.352, Occupations Code, is amended
4 by adding Subsection (b-1) to read as follows:

5 (b-1) The commission shall require each officer to complete
6 the training program on nonlethal force and nonviolent restraint
7 established by the commission under Section 1701.2532 at least once
8 every 36 months.

9 SECTION 7. Each law enforcement agency in this state shall
10 adopt the policy required by Article 2.139, Code of Criminal
11 Procedure, as added by this Act, not later than January 1, 2016.

12 SECTION 8. Not later than January 1, 2016, the Texas
13 Commission on Law Enforcement shall establish the training program
14 on nonlethal force and nonviolent restraint as required by Section
15 1701.2532, Occupations Code, as added by this Act.

16 SECTION 9. This Act takes effect September 1, 2015.