

House Bill 1036
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.139 and 2.1395 to read as follows:

Art. 2.139. REPORTS REQUIRED FOR OFFICER-INVOLVED INJURIES OR DEATHS. (a) In this article:

(1) "Deadly weapon" means:

(A) a firearm or any object manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury; or

(B) any object that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(2) "Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

(b) The office of the attorney general by rule shall create a written and electronic form for the reporting by law enforcement agencies of an officer-involved injury or death. The form must include spaces to report only the following information:

(1) the date on which the incident occurred;

(2) the location where the incident occurred;

(3) the age, gender, and race or ethnicity of each peace officer involved in the incident;

(4) if known, the age, gender, and race or ethnicity of each injured or deceased person involved in the incident;

(5) whether the person was injured or died as a result of the incident; and

(6) whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident.

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(3) the age, gender, and race or ethnicity of each peace officer involved in the incident;

(4) if known, the age, gender, and race or ethnicity of each injured or deceased person involved in the incident;

(5) whether the person was injured or died as a result of the incident;

(6) whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident;

(7) whether each peace officer involved in the incident was on duty during the incident;

(8) whether each peace officer involved in the incident was

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(c) Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report, using the form created under Subsection (b), to the office of the attorney general. A submitted report must include all information described in Subsection (b).

(d) Not later than the fifth day after the date of receipt of a report submitted under Subsection (c), the office of the attorney general shall post a copy of the report on the office's Internet website.

(e) Not later than February 1 of each year, the office of the attorney general shall submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

- (1) the total number of officer-involved injuries or deaths;
- (2) a summary of the reports submitted to the office under this article; and
- (3) a copy of each report submitted to the office under this article.

Art. 2.1395. REPORTS REQUIRED FOR CERTAIN INJURIES OR DEATHS OF PEACE OFFICERS. (a) The office of the attorney general by rule shall create a written and

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responding to an emergency call or a request for assistance and, if so, whether the officer responded to that call or request with one or more other peace officers; and
(9) whether the incident occurred during or as a result of:
(A) the execution of a warrant; or
(B) a hostage, barricade, or other emergency situation.

(c) Not later than the 30th day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report, using the form created under Subsection (b), to the office of the attorney general and, if the agency maintains an Internet website, post a copy of the report on the agency's website. The report must include all information described in Subsection (b).

(d) Not later than the fifth day after the date of receipt of a report submitted under Subsection (c), the office of the attorney general shall post a copy of the report on the office's Internet website.

(e) Not later than February 1 of each year, the office of the attorney general shall submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

- (1) the total number of officer-involved injuries or deaths;
- (2) a summary of the reports submitted to the office under this article; and
- (3) a copy of each report submitted to the office under this article.

Art. 2.1395. REPORTS REQUIRED FOR CERTAIN INJURIES OR DEATHS OF PEACE OFFICERS. (a) The office of the attorney general by rule shall create a written and

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electronic form for the reporting by law enforcement agencies of incidents in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer. The form must include spaces to report only the following information:

- (1) the date on which the incident occurred;
- (2) the location where the incident occurred;
- (3) the age, gender, and race or ethnicity of each injured or deceased peace officer involved in the incident;
- (4) if known, the age, gender, and race or ethnicity of each person who discharged a firearm and caused injury or death to a peace officer involved in the incident; and
- (5) whether the officer or any other person was injured or died as a result of the incident.

(b) Not later than the 30th day after the date of the occurrence of an incident described by Subsection (a), the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report, using the form created under that subsection, to the office of the attorney general. A submitted report must include all information described in Subsection (a).

(c) Not later than February 1 of each year, the office of the attorney general shall submit a report regarding all incidents described by Subsection (a) that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

- (1) the total number of incidents that occurred;
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- (1) the date on which the incident occurred;
- (2) the location where the incident occurred;
- (3) the age, gender, and race or ethnicity of each injured or deceased peace officer involved in the incident;
- (4) if known, the age, gender, and race or ethnicity of each person who discharged a firearm and caused injury or death to a peace officer involved in the incident; and
- (5) whether the officer or any other person was injured or died as a result of the incident.

(b) Not later than the 30th day after the date of the occurrence of an incident described by Subsection (a), the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report, using the form created under that subsection, to the office of the attorney general and, if the agency maintains an Internet website, post a copy of the report on the agency's website. The report must include all information described in Subsection (a).

(c) Not later than February 1 of each year, the office of the attorney general shall submit a report regarding all incidents described by Subsection (a) that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

- (1) the total number of incidents that occurred;
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(3) a copy of each report submitted to the office under this article.

SECTION 2. Not later than October 1, 2015, the office of the attorney general shall create the reporting forms required under Articles 2.139 and 2.1395, Code of Criminal Procedure, as added by this Act.

SECTION 3. This Act takes effect September 1, 2015.

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(3) a copy of each report submitted to the office under this article.

SECTION 2. Same as House version.

SECTION 3. Same as House version.

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