

By: Johnson of Dallas, Price,
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H.B. No. 245

A BILL TO BE ENTITLED

AN ACT

relating to certain reporting requirements for law enforcement agencies; providing a civil penalty.

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

SECTION 1. Articles 2.139(c) and (e), Code of Criminal Procedure, as added by Chapter 516 (H.B. 1036), Acts of the 84th Legislature, Regular Session, 2015, are amended to read as follows:

(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).

(e) Not later than March ~~[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.

SECTION 2. Articles 2.1395(b) and (c), Code of Criminal Procedure, are amended to read as follows:

(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 March ~~[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;

(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.

SECTION 3. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.13951 to read as follows:

1 Art. 2.13951. NOTICE OF VIOLATION OF REPORTING REQUIREMENTS
2 FOR CERTAIN INJURIES OR DEATHS; CIVIL PENALTY. (a) The office of
3 the attorney general shall conduct an investigation after receiving
4 a report or other information that a law enforcement agency failed
5 to submit a report required by Article 2.139 or 2.1395. If the
6 office determines that the law enforcement agency failed to submit
7 the report, the office shall provide notice of the failure to the
8 agency. The notice must summarize the applicable reporting
9 requirement and state that the agency may be subject to a civil
10 penalty as provided by Subsection (b) or (c), as applicable.

11 (b) Except as provided by Subsection (c), a law enforcement
12 agency that fails to submit the required report on or before the
13 seventh day after the date of receiving notice under Subsection (a)
14 is liable for a civil penalty in the amount of \$1,000 for each day
15 after the seventh day that the agency fails to submit the report.

16 (c) Beginning on the day after the date of receiving notice
17 under Subsection (a), a law enforcement agency that, in the
18 five-year period preceding the date the agency received the notice,
19 has been liable for a civil penalty under Subsection (b) or this
20 subsection is liable for a civil penalty for each day the agency
21 fails to submit the required report. The amount of a civil penalty
22 under this subsection is \$10,000 for the first day and \$1,000 for
23 each additional day that the agency fails to submit the report.

24 (d) The attorney general may sue to collect a civil penalty
25 under this article.

26 (e) A civil penalty collected under this article shall be
27 deposited to the credit of the compensation to victims of crime fund

1 established under Subchapter B, Chapter 56.

2 SECTION 4. Article 2.139, Code of Criminal Procedure, as
3 added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature,
4 Regular Session, 2015, is redesignated as Article 2.1396, Code of
5 Criminal Procedure.

6 SECTION 5. The changes in law made by this Act apply only to
7 a report required to be submitted on or after the effective date of
8 this Act. A report required to be submitted before the effective
9 date of this Act is subject to the law in effect at the time the
10 report was required to be submitted, and the former law is continued
11 in effect for that purpose.

12 SECTION 6. To the extent of any conflict, this Act prevails
13 over another Act of the 85th Legislature, Regular Session, 2017,
14 relating to nonsubstantive additions to and corrections in enacted
15 codes.

16 SECTION 7. This Act takes effect September 1, 2017.