

AN ACT

relating to certain reporting requirements for law enforcement agencies and to the creation of a criminal justice web portal by the office of the attorney general; 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;

1 (2) a summary of the reports submitted to the office
2 under this article; and

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

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

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

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

22 (1) the total number of incidents that occurred;

23 (2) a summary of the reports submitted to the office
24 under this article; and

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

27 SECTION 3. Chapter 2, Code of Criminal Procedure, is

1 amended by adding Article 2.13951 to read as follows:

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

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

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

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

1 (e) A civil penalty collected under this article shall be
2 deposited to the credit of the compensation to victims of crime fund
3 established under Subchapter B, Chapter 56.

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

8 Art. 2.1396 [~~2.139~~]. VIDEO RECORDINGS OF ARRESTS FOR
9 INTOXICATION OFFENSES. A person stopped or arrested on suspicion
10 of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal
11 Code, is entitled to receive from a law enforcement agency
12 employing the peace officer who made the stop or arrest a copy of
13 any video made by or at the direction of the officer that contains
14 footage of:

- 15 (1) the stop;
- 16 (2) the arrest;
- 17 (3) the conduct of the person stopped during any
18 interaction with the officer, including during the administration
19 of a field sobriety test; or
- 20 (4) a procedure in which a specimen of the person's
21 breath or blood is taken.

22 SECTION 5. The changes in law made by this Act to Chapter 2,
23 Code of Criminal Procedure, apply only to a report required to be
24 submitted on or after the effective date of this Act. A report
25 required to be submitted before the effective date of this Act is
26 subject to the law in effect at the time the report was required to
27 be submitted, and the former law is continued in effect for that

1 purpose.

2 SECTION 6. To the extent of any conflict, this Act prevails
3 over another Act of the 85th Legislature, Regular Session, 2017,
4 relating to nonsubstantive additions to and corrections in enacted
5 codes.

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

President of the Senate

Speaker of the House

I certify that H.B. No. 245 was passed by the House on May 12, 2017, by the following vote: Yeas 112, Nays 21, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 245 on May 26, 2017, by the following vote: Yeas 137, Nays 8, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 245 was passed by the Senate, with amendments, on May 23, 2017, by the following vote: Yeas 28, Nays 3.

Secretary of the Senate

APPROVED: _____

Date

Governor