

By: Johnson of Dallas

H.B. No. 245

Substitute the following for H.B. No. 245:

By: King of Parker

C.S.H.B. No. 245

A BILL TO BE ENTITLED

1 AN ACT

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

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

5 SECTION 1. Article 2.139(c), Code of Criminal Procedure, as
6 added by Chapter 516 (H.B. 1036), Acts of the 84th Legislature,
7 Regular Session, 2015, is amended to read as follows:

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

16 SECTION 2. Article 2.1395(b), Code of Criminal Procedure,
17 is amended to read as follows:

18 (b) Not later than the 30th day after the date of the
19 occurrence of an incident described by Subsection (a), the law
20 enforcement agency employing the injured or deceased officer at the
21 time of the incident must complete and submit a written or
22 electronic report, using the form created under that subsection, to
23 the office of the attorney general [~~and, if the agency maintains an~~
24 ~~Internet website, post a copy of the report on the agency's~~

1 ~~website~~]. The report must include all information described in
2 Subsection (a).

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

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

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

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

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

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

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

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

16 SECTION 6. To the extent of any conflict, this Act prevails
17 over another Act of the 85th Legislature, Regular Session, 2017,
18 relating to nonsubstantive additions to and corrections in enacted
19 codes.

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