

By: Coleman

H.B. No. 4091

A BILL TO BE ENTITLED

AN ACT

relating to reporting requirements for and the availability of information regarding certain uses of force, injuries, or deaths caused by peace officers.

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

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

Art. 2.139. REPORTS AND INFORMATION REGARDING ~~[REQUIRED FOR]~~ OFFICER-INVOLVED USES OF FORCE, INJURIES, OR DEATHS.

SECTION 2. Article 2.139(a), Code of Criminal Procedure, as added by Chapter 516 (H.B. 1036), Acts of the 84th Legislature, Regular Session, 2015, is amended by amending Subdivision (2) and adding Subdivision (3) to read as follows:

(2) "Officer-involved injury or death" means an officer-involved use of force that causes ~~[incident during which a peace officer discharges a firearm causing]~~ injury or death to another.

(3) "Officer-involved use of force" means an incident during which a peace officer uses an action or force to compel compliance by an unwilling person.

SECTION 3. Article 2.139, Code of Criminal Procedure, as added by Chapter 516 (H.B. 1036), Acts of the 84th Legislature, Regular Session, 2015, is amended by amending Subsection (b) and

1 adding Subsections (b-1) and (f) to read as follows:

2 (b) The office of the attorney general by rule shall create
3 a written and electronic form for the recording ~~[reporting]~~ by law
4 enforcement agencies of information concerning an officer-involved
5 use of force ~~[injury or death]~~. The form must include spaces to
6 record ~~[report]~~ only the following information:

7 (1) the date on which the incident occurred;

8 (2) the location where the incident occurred;

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

11 (4) ~~[if known]~~ the age, gender, name, and race or
12 ethnicity of each person against whom force was used ~~[injured or~~
13 ~~deceased person involved]~~ in the incident, including a description
14 of any injuries sustained by the person;

15 (5) a detailed description of the use of force,
16 including a description of the use by a peace officer of a deadly
17 weapon;

18 (6) whether the person against whom force was used
19 ~~[was injured or]~~ died as a result of the incident;

20 (7) ~~[(6)]~~ a description of whether and how each
21 ~~[injured or deceased]~~ person against whom force was used~~[7]~~
22 exhibited~~[7]~~ or was carrying a deadly weapon during the incident;

23 (8) ~~[(7)]~~ whether each peace officer involved in the
24 incident was on duty during the incident;

25 (9) ~~[(8)]~~ whether each peace officer involved in the
26 incident was responding to an emergency call or a request for
27 assistance and, if so, whether the officer responded to that call or

request with one or more other peace officers; and

(10) ~~[(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.

(b-1) As soon as practicable after an officer-involved use of force, the law enforcement agency employing an officer involved in the incident must record the information described by Subsection (b) regarding the incident.

(f) Notwithstanding any other law, information described by Subsection (b) is public information under Chapter 552, Government Code, is not confidential, is not excepted from required disclosure, and must be disclosed in response to a request under that chapter. A governmental body must disclose the information regardless of whether the information is held in a personnel record, law enforcement record, or other record maintained by or on behalf of the governmental body.

SECTION 4. Article 2.139(f), Code of Criminal Procedure, as added by this Act, applies only to a request for information received by a governmental body or an officer for public information on or after the effective date of this Act. A request for information received before the effective date of this Act is governed by the law in effect when the request was received, and the former law is continued in effect for that purpose.

SECTION 5. Not later than October 1, 2017, the office of the attorney general shall adopt rules to implement Article 2.139(b),

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1 Code of Criminal Procedure, as amended by this Act.

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