

By: West

S.B. No. 1487

A BILL TO BE ENTITLED

AN ACT

relating to preventing racial profiling and video and audio equipment and recordings of certain law enforcement motor vehicle stops; creating an offense.

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

SECTION 1. Article 2.131, Code of Criminal Procedure, is amended to read as follows:

Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer may not engage in an act of racial profiling, as defined by the written policy required by Section 1701.702, Occupations Code, and adopted by the law enforcement agency employing the officer.

SECTION 2. Chapter 1701, Occupations Code, is amended by adding Subchapter O and adding a subchapter heading to read as follows:

SUBCHAPTER O. RACIAL PROFILING; MOTOR VEHICLE STOPS

SECTION 3. Articles 2.132, 2.133, 2.134, 2.135, 2.136, 2.137, 2.138, and 2.1385, Code of Criminal Procedure, are transferred to Subchapter O, Chapter 1701, Occupations Code, as added by this Act, redesignated as Sections 1701.701, 1701.702, 1701.704, 1701.705, 1701.707, 1701.708, 1701.709, 1701.710, 1701.711, 1701.712, 1701.713, 1701.714, 1701.715, and 1701.716, Occupations Code, and amended to read as follows:

Sec. 1701.701. DEFINITIONS. [~~Art. 2.132. LAW ENFORCEMENT POLICY ON RACIAL PROFILING. (a)~~] In this subchapter [~~article~~]:

1 (1) "Department" means the Department of Public
2 Safety.

3 (2) "Law enforcement agency" means an agency of the
4 state, or of a county, municipality, or other political subdivision
5 of the state, that employs peace officers who make motor vehicle
6 stops in the routine performance of the officers' official duties.

7 (3) [~~(2)~~] "Motor vehicle stop" means an occasion in
8 which a peace officer stops a motor vehicle for an alleged violation
9 of a law or ordinance.

10 (4) [~~(3)~~] "Race or ethnicity" means of a particular
11 descent, including Caucasian, African, Hispanic, Asian, Native
12 American, or Middle Eastern descent.

13 Sec. 1701.702. POLICY OF LAW ENFORCEMENT AGENCY ON RACIAL
14 PROFILING. (a) [~~(b)~~] Each law enforcement agency in this state
15 shall adopt a detailed written policy on racial profiling.

16 (b) The policy must:

17 (1) clearly define acts constituting racial
18 profiling;

19 (2) strictly prohibit peace officers employed by the
20 agency from engaging in racial profiling;

21 (3) implement a process by which an individual may
22 file a complaint with the agency if the individual believes that a
23 peace officer employed by the agency has engaged in racial
24 profiling with respect to the individual;

25 (4) provide public education relating to the agency's
26 complaint process;

27 (5) require appropriate corrective action to be taken

1 against a peace officer employed by the agency who, after an
2 investigation, is shown to have engaged in racial profiling in
3 violation of the agency's policy adopted under this article;

4 (6) require collection of information relating to
5 motor vehicle stops in which a citation is issued and to arrests
6 made as a result of those stops, including information relating to:

7 (A) the race or ethnicity of the individual
8 detained;

9 (B) whether a search was conducted and, if so,
10 whether the individual detained consented to the search; and

11 (C) whether the peace officer knew the race or
12 ethnicity of the individual detained before detaining that
13 individual; and

14 (7) require the chief administrator of the agency,
15 regardless of whether the administrator is elected, employed, or
16 appointed, to submit an annual report of the information collected
17 under Subdivision (6) to:

18 (A) the commission [~~Texas Commission on Law~~
19 ~~Enforcement~~]; and

20 (B) the governing body of each county or
21 municipality served by the agency, if the agency is an agency of a
22 county, municipality, or other political subdivision of the state.

23 (c) The data collected as a result of the reporting
24 requirements of this subchapter does [~~article shall~~] not constitute
25 prima facie evidence of racial profiling.

26 Sec. 1701.704. VIDEO AND AUDIO EQUIPMENT FOR LAW
27 ENFORCEMENT MOTOR VEHICLES AND MOTORCYCLES. [~~(d)~~] On adoption of

1 a policy regarding racial profiling under Section 1701.702
2 [~~Subsection (b)~~], a law enforcement agency shall examine the
3 feasibility of installing video camera and transmitter-activated
4 audio equipment in each agency law enforcement motor vehicle
5 regularly used to make motor vehicle stops and
6 transmitter-activated audio equipment in each agency law
7 enforcement motorcycle regularly used to make motor vehicle stops.

8 Sec. 1701.705. POLICY FOR USE OF VIDEO AND AUDIO EQUIPMENT.

9 (a) If a law enforcement agency installs video or audio equipment
10 as provided by Section 1701.704 [~~this subsection~~], the law
11 enforcement agency shall adopt a policy for the use of the
12 equipment.

13 (b) A policy adopted by an an [~~the~~] agency under this section
14 [~~Subsection (b)~~] must include:

15 (1) guidelines for when a peace officer should
16 activate the equipment or discontinue a recording currently in
17 progress;

18 (2) provisions relating to data retention, including a
19 provision requiring the retention of [~~standards for reviewing~~]
20 video and audio recordings for a minimum period of 90 days;

21 (3) provisions relating to storage of video and audio
22 recordings, creation of backup copies of the recordings, and
23 maintenance of data security;

24 (4) guidelines for public access, through open records
25 requests, to recordings that are public information;

26 (5) procedures for supervisory or internal review; and

27 (6) the handling and documenting of equipment and

1 malfunctions of equipment ~~[documentation]~~.

2 (c) A policy adopted under this section must be consistent
3 with the Federal Rules of Evidence and Texas Rules of Evidence.

4 Sec. 1701.707. INVESTIGATION OF COMPLAINT; USE OF
5 RECORDING. ~~[(e) A report required under Subsection (b)(7) may not~~
6 ~~include identifying information about a peace officer who makes a~~
7 ~~motor vehicle stop or about an individual who is stopped or arrested~~
8 ~~by a peace officer. This subsection does not affect the collection~~
9 ~~of information as required by a policy under Subsection (b)(6).~~

10 ~~[(f)]~~ On the commencement of an investigation by a law
11 enforcement agency of a complaint described by Section
12 1701.702(b)(3) ~~[Subsection (b)(3)]~~ in which a video or audio
13 recording of the occurrence on which the complaint is based was
14 made, the agency shall promptly provide a copy of the recording to
15 the peace officer who is the subject of the complaint on written
16 request by the officer.

17 ~~[(g) On a finding by the Texas Commission on Law Enforcement~~
18 ~~that the chief administrator of a law enforcement agency~~
19 ~~intentionally failed to submit a report required under Subsection~~
20 ~~(b)(7), the commission shall begin disciplinary procedures against~~
21 ~~the chief administrator.]~~

22 Sec. 1701.708 ~~[Art. 2.133]~~. REPORTS REQUIRED FOR MOTOR
23 VEHICLE STOPS. ~~[(a) In this article, "race or ethnicity" has the~~
24 ~~meaning assigned by Article 2.132(a).~~

25 ~~[(b)]~~ A peace officer who stops a motor vehicle for an
26 alleged violation of a law or ordinance shall report to the law
27 enforcement agency that employs the officer information relating to

1 the stop, including:

2 (1) a physical description of any person operating the
3 motor vehicle who is detained as a result of the stop, including:

4 (A) the person's gender; and

5 (B) the person's race or ethnicity, as stated by
6 the person or, if the person does not state the person's race or
7 ethnicity, as determined by the officer to the best of the officer's
8 ability;

9 (2) the initial reason for the stop;

10 (3) whether the officer conducted a search as a result
11 of the stop and, if so, whether the person detained consented to the
12 search;

13 (4) whether any contraband or other evidence was
14 discovered in the course of the search and a description of the
15 contraband or evidence;

16 (5) the reason for the search, including whether:

17 (A) any contraband or other evidence was in plain
18 view;

19 (B) any probable cause or reasonable suspicion
20 existed to perform the search; or

21 (C) the search was performed as a result of the
22 towing of the motor vehicle or the arrest of any person in the motor
23 vehicle;

24 (6) whether the officer made an arrest as a result of
25 the stop or the search, including a statement of whether the arrest
26 was based on a violation of the Penal Code, a violation of a traffic
27 law or ordinance, or an outstanding warrant and a statement of the

offense charged;

(7) the street address or approximate location of the stop; and

(8) whether the officer issued a written warning or a citation as a result of the stop.

Sec. 1701.709 [~~Art. 2.134~~]. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) [~~In this article,~~

~~[(1) "Motor vehicle stop" has the meaning assigned by Article 2.132(a).~~

~~[(2) "Race or ethnicity" has the meaning assigned by Article 2.132(a).~~

~~[(b)]~~ A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Section 1701.708 [~~Article 2.133~~].

(b) Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to the commission [~~Texas Commission on Law Enforcement~~] and, if the law enforcement agency is a local law enforcement agency, to the governing body of each county or municipality served by the agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, and must include:

(1) a comparative analysis of the information compiled under Section 1701.708 [~~Article 2.133~~] to:

(A) evaluate and compare the number of motor

1 vehicle stops, within the applicable jurisdiction, of persons who
2 are recognized as racial or ethnic minorities and persons who are
3 not recognized as racial or ethnic minorities; and

4 (B) examine the disposition of motor vehicle
5 stops made by officers employed by the agency, categorized
6 according to the race or ethnicity of the affected persons, as
7 appropriate, including any searches resulting from stops within the
8 applicable jurisdiction; and

9 (2) information relating to each complaint filed with
10 the agency alleging that a peace officer employed by the agency has
11 engaged in racial profiling.

12 (d) A report required under Subsection (b) may not include
13 identifying information about a peace officer who makes a motor
14 vehicle stop or about an individual who is stopped or arrested by a
15 peace officer. This subsection does not affect the reporting of
16 information required under Section 1701.708(1) [~~Article~~
17 ~~2.133(b)(1)~~].

18 (e) The commission [~~Texas Commission on Law Enforcement~~],
19 in accordance with Section 1701.162, [~~Occupations Code~~], shall
20 develop guidelines for compiling and reporting information as
21 required by this section [~~article~~].

22 (f) The data collected as a result of the reporting
23 requirements of this section ~~does~~ [~~article shall~~] not constitute
24 prima facie evidence of racial profiling.

25 Sec. 1701.710. FAILURE TO SUBMIT REPORT; DISCIPLINARY
26 PROCEDURES. [~~(g)~~] On a finding by the commission [~~Texas~~
27 ~~Commission on Law Enforcement~~] that the chief administrator of a

1 law enforcement agency intentionally failed to submit a report
2 required under Section 1701.702(b)(7) or 1701.709 [~~Subsection~~
3 ~~(b)~~], the commission shall begin disciplinary procedures against
4 the chief administrator.

5 Sec. 1701.711 [~~Art. 2.135~~]. PARTIAL REPORTING EXEMPTION
6 FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. [~~(a)~~] A peace
7 officer is exempt from the reporting requirement under Section
8 1701.708 [~~Article 2.133~~] and the chief administrator of a law
9 enforcement agency, regardless of whether the administrator is
10 elected, employed, or appointed, is exempt from the compilation,
11 analysis, and reporting requirements under Section 1701.709
12 [~~Article 2.134~~] if:

13 (1) during the calendar year preceding the date that a
14 report under Section 1701.709 [~~Article 2.134~~] is required to be
15 submitted:

16 (A) each law enforcement motor vehicle regularly
17 used by an officer employed by the agency to make motor vehicle
18 stops is equipped with video camera and transmitter-activated audio
19 equipment and each law enforcement motorcycle regularly used to
20 make motor vehicle stops is equipped with transmitter-activated
21 audio equipment; and

22 (B) each motor vehicle stop made by an officer
23 employed by the agency that is capable of being recorded by video
24 and audio or audio equipment, as appropriate, is recorded by using
25 the equipment; or

26 (2) the governing body of the county or municipality
27 served by the law enforcement agency, in conjunction with the law

enforcement agency, certifies to the department [~~Department of Public Safety~~], not later than the date specified by rule by the department, that the law enforcement agency needs funds or video and audio equipment for the purpose of installing video and audio equipment as described by Subdivision (1)(A) [~~Subsection (a)(1)(A)~~] and the agency does not receive from the state funds or video and audio equipment sufficient, as determined by the department, for the agency to accomplish that purpose.

Sec. 1701.712. RETENTION OF VIDEO AND AUDIO RECORDINGS.

(a) [~~(b)~~] Except as otherwise provided by this section [~~subsection~~], a law enforcement agency that is exempt from the requirements under Section 1701.709 [~~Article 2.134~~] shall retain the video and audio or audio documentation of each motor vehicle stop for at least 90 days after the date of the stop.

(b) If a complaint is filed with the law enforcement agency alleging that a peace officer employed by the agency has engaged in racial profiling with respect to a motor vehicle stop, the agency shall retain the video and audio or audio record of the stop until final disposition of the complaint.

(c) This section [~~article~~] does not affect the collection or reporting requirements under Section 1701.702 [~~Article 2.132~~].

~~[(d) In this article, "motor vehicle stop" has the meaning assigned by Article 2.132(a)].~~

Sec. 1701.713 [~~Art. 2.136~~]. LIABILITY. A peace officer is not liable for damages arising from an act relating to the collection or reporting of information as required by Section 1701.708 [~~Article 2.133~~] or under a policy adopted under Section

1 1701.702 [~~Article 2.132~~].

2 Sec. 1701.714 [~~Art. 2.137~~]. PROVISION OF FUNDING OR
3 EQUIPMENT. (a) The department [~~Department of Public Safety~~] shall
4 adopt rules for providing funds or video and audio equipment to law
5 enforcement agencies for the purpose of installing video and audio
6 equipment as described by Section 1701.711(1)(A) [~~Article~~
7 ~~2.135(a)(1)(A)~~], including specifying criteria to prioritize
8 funding or equipment provided to law enforcement agencies. The
9 criteria may include consideration of tax effort, financial
10 hardship, available revenue, and budget surpluses. The criteria
11 must give priority to:

12 (1) law enforcement agencies that employ peace
13 officers whose primary duty is traffic enforcement;

14 (2) smaller jurisdictions; and

15 (3) municipal and county law enforcement agencies.

16 (b) The department [~~Department of Public Safety~~] shall
17 collaborate with an institution of higher education to identify law
18 enforcement agencies that need funds or video and audio equipment
19 for the purpose of installing video and audio equipment as
20 described by Section 1701.711(1)(A) [~~Article 2.135(a)(1)(A)~~]. The
21 collaboration may include the use of a survey to assist in
22 developing criteria to prioritize funding or equipment provided to
23 law enforcement agencies.

24 (c) To receive funds or video and audio equipment from the
25 state for the purpose of installing video and audio equipment as
26 described by Section 1701.711(1)(A) [~~Article 2.135(a)(1)(A)~~], the
27 governing body of a county or municipality, in conjunction with the

1 law enforcement agency serving the county or municipality, shall
 2 certify to the department [~~Department of Public Safety~~] that the
 3 law enforcement agency needs funds or video and audio equipment for
 4 that purpose.

5 (d) On receipt of funds or video and audio equipment from
 6 the state for the purpose of installing video and audio equipment as
 7 described by Section 1701.711(1)(A) [~~Article 2.135(a)(1)(A)~~], the
 8 governing body of a county or municipality, in conjunction with the
 9 law enforcement agency serving the county or municipality, shall
 10 certify to the department [~~Department of Public Safety~~] that the
 11 law enforcement agency has installed video and audio equipment as
 12 described by Section 1701.711(1)(A) [~~Article 2.135(a)(1)(A)~~] and
 13 is using the equipment as required by Section 1701.711(1) [~~Article~~
 14 ~~2.135(a)(1)~~].

15 Sec. 1701.715 [~~Art. 2.138~~]. RULES. The public safety
 16 director of the department [~~Department of Public Safety~~] may adopt
 17 rules to implement this subchapter [~~Articles 2.131-2.137~~].

18 Sec. 1701.716 [~~Art. 2.1385~~]. CIVIL PENALTY. (a) If the
 19 chief administrator of a local law enforcement agency intentionally
 20 fails to submit the incident-based data as required by Section
 21 1701.709 [~~Article 2.134~~], the agency is liable to the state for a
 22 civil penalty in the amount of \$1,000 for each violation. The
 23 attorney general may sue to collect a civil penalty under this
 24 subsection.

25 (b) From money appropriated to the agency for the
 26 administration of the agency, the executive director of a state law
 27 enforcement agency that intentionally fails to submit the

1 incident-based data as required by Section 1701.709 [~~Article 2.134~~]
2 shall remit to the comptroller the amount of \$1,000 for each
3 violation.

4 (c) Money collected under this section [~~article~~] shall be
5 deposited in the state treasury to the credit of the general revenue
6 fund.

7 SECTION 4. Subchapter O, Chapter 1701, Occupations Code, as
8 added by this Act, is amended by adding Sections 1701.703,
9 1701.706, 1701.718, 1701.719, 1701.720, 1701.721, and 1701.722 to
10 read as follows:

11 Sec. 1701.703. IDENTIFYING INFORMATION IN REPORT. (a) A
12 report required under Section 1701.702(b)(7) may not include
13 identifying information about a peace officer who makes a motor
14 vehicle stop or about an individual who is stopped or arrested by a
15 peace officer.

16 (b) This section does not affect the collection of
17 information as required by a policy under Section 1701.702(b)(6).

18 Sec. 1701.706. RECORDING INTERACTIONS WITH THE PUBLIC.
19 (a) A peace officer who uses a motor vehicle or motorcycle
20 equipped with video or audio equipment shall act in a manner that is
21 consistent with the policy of the law enforcement agency that
22 employs the officer with respect to when and under what
23 circumstances the equipment must be activated.

24 (b) A peace officer who does not activate video or audio
25 equipment in response to a call for assistance or on making a motor
26 vehicle stop must include in the officer's incident report or
27 otherwise note in the case file or record the reason for not

1 activating the equipment.

2 (c) Any justification for failing to activate the equipment
3 because it is unsafe, unrealistic, or impracticable is based on
4 whether a reasonable officer under the same or similar
5 circumstances would have made the same decision.

6 Sec. 1701.718. RECORDINGS DOCUMENTING CERTAIN CONDUCT OF
7 LAW ENFORCEMENT OFFICER. (a) Except as provided by Subsection
8 (b), a video or audio recording under this subchapter documenting
9 an incident that involves the use of deadly force by a peace officer
10 or that is otherwise related to an administrative or criminal
11 investigation of an officer may not be deleted, destroyed, or
12 released to the public until all criminal matters have been finally
13 adjudicated and all related administrative investigations have
14 concluded.

15 (b) A law enforcement agency may release to the public a
16 recording described by Subsection (a) if the law enforcement agency
17 determines that the release furthers a law enforcement purpose.

18 (c) This section does not affect the authority of a law
19 enforcement agency to withhold under Section 552.108, Government
20 Code, information related to a closed criminal investigation that
21 did not result in a conviction or a grant of deferred adjudication
22 community supervision.

23 Sec. 1701.719. RELEASE OF VIDEO OR AUDIO RECORDING. (a) A
24 member of the public is required to provide the following
25 information when submitting a written request to a law enforcement
26 agency for a video or audio recording under this subchapter:

27 (1) the date and approximate time of the recording;

1 (2) the specific location where the recording
2 occurred; and

3 (3) the name of one or more persons known to be a
4 subject of the recording.

5 (b) A failure to provide all of the information required by
6 Subsection (a) to be part of a request for a recording does not
7 preclude the requestor from making a future request for the same
8 recording.

9 (c) Except as provided by Subsection (d), a recording held
10 by a law enforcement agency under this subchapter is not subject to
11 the requirements of Section 552.021, Government Code.

12 (d) A recording that is or could be used as evidence in a
13 criminal prosecution is subject to the requirements of Section
14 552.021, Government Code.

15 (e) A law enforcement agency may:

16 (1) seek to withhold a recording subject to Subsection
17 (d) in accordance with procedures provided by Section 552.301,
18 Government Code;

19 (2) assert any exceptions to disclosure in Chapter
20 552, Government Code, or other law; or

21 (3) release a recording requested in accordance with
22 Subsection (a) after the agency redacts any information made
23 confidential under Chapter 552, Government Code, or other law.

24 (f) The attorney general shall set a proposed fee to be
25 charged to members of the public who seek to obtain a copy of a
26 recording under this section. The fee amount must be sufficient to
27 cover the cost of reviewing and making the recording. A law

1 enforcement agency may provide a copy without charge or at a reduced
2 charge if the agency determines that waiver or reduction of the
3 charge is in the public interest.

4 (g) A recording is confidential and excepted from the
5 requirements of Chapter 552, Government Code, if the recording:

6 (1) was not required to be made under this subchapter
7 or another law or under a policy adopted by the appropriate law
8 enforcement agency; and

9 (2) does not relate to a law enforcement purpose.

10 Sec. 1701.720. VIDEO AND AUDIO RECORDINGS; REQUEST FOR
11 ATTORNEY GENERAL DECISION. (a) Notwithstanding Section
12 552.301(b), Government Code, a governmental body's request for a
13 decision from the attorney general about whether a requested
14 recording falls within an exception to public disclosure is
15 considered timely if made not later than the 20th business day after
16 the date of receipt of the written request.

17 (b) Notwithstanding Section 552.301(d), Government Code, a
18 governmental body's response to a requestor regarding a requested
19 recording is considered timely if made not later than the 20th
20 business day after the date of receipt of the written request.

21 (c) Notwithstanding Section 552.301(e), Government Code, a
22 governmental body's submission to the attorney general of the
23 information required by that subsection regarding a requested
24 recording is considered timely if made not later than the 25th
25 business day after the date of receipt of the written request.

26 (d) Notwithstanding Section 552.301(e-1), Government Code,
27 a governmental body's submission to a requestor of the information

1 required by that subsection regarding a requested recording is
2 considered timely if made not later than the 25th business day after
3 the date of receipt of the written request.

4 Sec. 1701.721. PRODUCTION OF VIDEO OR AUDIO RECORDING IN
5 RESPONSE TO VOLUMINOUS PUBLIC INFORMATION REQUESTS.

6 (a) Notwithstanding Section 552.221(d), Government Code, an
7 officer for public information who is employed by a governmental
8 body and who receives a voluminous request in accordance with
9 Section 1701.719(a) is considered to have promptly produced the
10 information for purposes of Section 552.221, Government Code, if
11 the officer takes the actions required under that section before
12 the 21st business day after the date of receipt of the written
13 request.

14 (b) For purposes of this section, "voluminous request"
15 includes:

16 (1) a request for recordings from more than five
17 separate incidents;

18 (2) more than five separate requests for recordings
19 from the same person in a 24-hour period, regardless of the number
20 of incidents included in each request; or

21 (3) a request or multiple requests from the same
22 person in a 24-hour period for recordings that, taken together,
23 constitute more than five total hours of video or audio recordings.

24 Sec. 1701.722. OFFENSE. (a) A peace officer or other
25 employee of a law enforcement agency commits an offense if the
26 officer or employee releases a recording under this subchapter
27 without permission of the applicable law enforcement agency.

1 (b) An offense under this section is a Class A misdemeanor.

2 SECTION 5. 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 transferred to Subchapter O, Chapter
5 [1701](#), Occupations Code, as added by this Act, redesignated as
6 Section 1701.717, Occupations Code, and amended to read as follows:

7 Sec. 1701.717 [~~Art. 2.139~~]. VIDEO RECORDINGS OF ARRESTS
8 FOR INTOXICATION OFFENSES. A person stopped or arrested on
9 suspicion of an offense under Section [49.04](#), [49.045](#), [49.07](#), or
10 [49.08](#), Penal Code, is entitled to receive from a law enforcement
11 agency employing the peace officer who made the stop or arrest a
12 copy of any video made by or at the direction of the officer that
13 contains footage of:

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

21 SECTION 6. Section [1701.164](#), Occupations Code, is amended
22 to read as follows:

23 Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA
24 SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall
25 collect and maintain incident-based data submitted to the
26 commission under Section 1701.709 [~~Article [2.134](#), Code of Criminal~~
27 ~~Procedure~~], including incident-based data compiled by a law

1 enforcement agency from reports received by the law enforcement
2 agency under Section 1701.708 [~~Article 2.133 of that code~~]. The
3 commission in consultation with the Department of Public Safety,
4 the Bill Blackwood Law Enforcement Management Institute of Texas,
5 the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas
6 Police Chiefs Association shall develop guidelines for submitting
7 in a standard format the report containing incident-based data as
8 required by Section 1701.709 [~~Article 2.134, Code of Criminal~~
9 ~~Procedure~~].

10 SECTION 7. Section 1701.501(a), Occupations Code, is
11 amended to read as follows:

12 (a) Except as provided by Subsection (d), the commission
13 shall revoke or suspend a license, place on probation a person whose
14 license has been suspended, or reprimand a license holder for a
15 violation of:

- 16 (1) this chapter;
- 17 (2) the reporting requirements provided by Sections
18 1701.702 [~~Articles 2.132~~] and 1701.709 [~~2.134, Code of Criminal~~
19 ~~Procedure~~]; or
- 20 (3) a commission rule.

21 SECTION 8. (a) A law enforcement agency operating video or
22 audio equipment on the effective date of this Act may submit any
23 existing policy of the agency regarding the use of the equipment to
24 the Texas Commission on Law Enforcement to determine whether the
25 policy complies with Section 1701.705, Occupations Code, as added
26 by this Act.

27 (b) Notwithstanding Section 1701.705, Occupations Code, as

1 added by this Act, a law enforcement agency operating video or audio
2 equipment on the effective date of this Act is not required to adopt
3 or implement a policy that complies with Section 1701.705 before
4 September 1, 2018.

5 (c) Sections 1701.717, 1701.718, 1701.719, 1701.720,
6 1701.721, and 1701.722, Occupations Code, as added by this Act,
7 apply to a release of a recording on or after the effective date of
8 this Act, regardless of whether the incident that is the subject of
9 the recording occurred before, on, or after the effective date of
10 this Act.

11 SECTION 9. To the extent of any conflict, this Act prevails
12 over another Act of the 85th Legislature, Regular Session, 2017,
13 relating to nonsubstantive additions to and corrections in enacted
14 codes.

15 SECTION 10. This Act takes effect September 1, 2017.