

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) "Department" means the Department of Public Safety.

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

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

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

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

(b) The policy must:

(1) clearly define acts constituting racial profiling;

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

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

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

(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 a

1 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) provisions entitling an officer to access any  
27 recording of an incident involving the officer before the officer

1 is required to make a statement about the incident;

2 (6) procedures for supervisory or internal review; and

3 (7) the handling and documenting of equipment and  
4 malfunctions of equipment ~~[documentation]~~.

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

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

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

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

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

1       ~~[(b)]~~ A peace officer who stops a motor vehicle for an  
2 alleged violation of a law or ordinance shall report to the law  
3 enforcement agency that employs the officer information relating to  
4 the stop, including:

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

7                   (A) the person's gender; and

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

12           (2) the initial reason for the stop;

13           (3) whether the officer conducted a search as a result  
14 of the stop and, if so, whether the person detained consented to the  
15 search;

16           (4) whether any contraband or other evidence was  
17 discovered in the course of the search and a description of the  
18 contraband or evidence;

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

20                   (A) any contraband or other evidence was in plain  
21 view;

22                   (B) any probable cause or reasonable suspicion  
23 existed to perform the search; or

24                   (C) the search was performed as a result of the  
25 towing of the motor vehicle or the arrest of any person in the motor  
26 vehicle;

27           (6) whether the officer made an arrest as a result of

1 the stop or the search, including a statement of whether the arrest  
2 was based on a violation of the Penal Code, a violation of a traffic  
3 law or ordinance, or an outstanding warrant and a statement of the  
4 offense charged;

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

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

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

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

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

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

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

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

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

3           (A) evaluate and compare the number of motor  
4 vehicle stops, within the applicable jurisdiction, of persons who  
5 are recognized as racial or ethnic minorities and persons who are  
6 not recognized as racial or ethnic minorities; and

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

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

15           (d) A report required under Subsection (b) may not include  
16 identifying information about a peace officer who makes a motor  
17 vehicle stop or about an individual who is stopped or arrested by a  
18 peace officer. This subsection does not affect the reporting of  
19 information required under Section 1701.708(1) [~~Article~~  
20 ~~2.133(b)(1)~~].

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

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



1        Sec. 1701.710. FAILURE TO SUBMIT REPORT; DISCIPLINARY  
2 PROCEDURES. [~~(g)~~] On a finding by the commission [~~Texas Commission~~  
3 ~~on Law Enforcement~~] that the chief administrator of a law  
4 enforcement agency intentionally failed to submit a report required  
5 under Section 1701.702(b)(7) or 1701.709 [~~Subsection (b)~~], the  
6 commission shall begin disciplinary procedures against the chief  
7 administrator.

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

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

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

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

the equipment; or

(2) the governing body of the county or municipality 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 1701.702 [~~Article 2.132~~].

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

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

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

(c) To receive funds or video and audio equipment from the

1 state for the purpose of installing video and audio equipment as  
2 described by Section 1701.711(1)(A) [~~Article 2.135(a)(1)(A)~~], the  
3 governing body of a county or municipality, in conjunction with the  
4 law enforcement agency serving the county or municipality, shall  
5 certify to the department [~~Department of Public Safety~~] that the  
6 law enforcement agency needs funds or video and audio equipment for  
7 that purpose.

8 (d) On receipt of funds or video and audio equipment from  
9 the state for the purpose of installing video and audio equipment as  
10 described by Section 1701.711(1)(A) [~~Article 2.135(a)(1)(A)~~], the  
11 governing body of a county or municipality, in conjunction with the  
12 law enforcement agency serving the county or municipality, shall  
13 certify to the department [~~Department of Public Safety~~] that the  
14 law enforcement agency has installed video and audio equipment as  
15 described by Section 1701.711(1)(A) [~~Article 2.135(a)(1)(A)~~] and  
16 is using the equipment as required by Section 1701.711(1) [~~Article~~  
17 ~~2.135(a)(1)~~].

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

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

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data as required by Section 1701.709 [~~Article 2.134~~] shall remit to the comptroller the amount of \$1,000 for each violation.

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

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

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

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

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

(b) A peace officer who does not activate video or audio

1 equipment in response to a call for assistance or on making a motor  
2 vehicle stop must include in the officer's incident report or  
3 otherwise note in the case file or record the reason for not  
4 activating the equipment.

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

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

18 (b) A law enforcement agency may release to the public a  
19 recording described by Subsection (a) if the law enforcement agency  
20 determines that the release furthers a law enforcement purpose.

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

26 Sec. 1701.719. RELEASE OF VIDEO OR AUDIO RECORDING. (a) A  
27 member of the public is required to provide the following

1 information when submitting a written request to a law enforcement  
2 agency for a video or audio recording under this subchapter:

- 3       (1) the date and approximate time of the recording;  
4       (2) the specific location where the recording  
5 occurred; and  
6       (3) the name of one or more persons known to be a  
7 subject of the recording.

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

12       (c) Except as provided by Subsection (d), a recording held  
13 by a law enforcement agency under this subchapter is not subject to  
14 the requirements of Section [552.021](#), Government Code.

15       (d) A recording that is or could be used as evidence in a  
16 criminal prosecution is subject to the requirements of Section  
17 [552.021](#), Government Code.

18       (e) A law enforcement agency may:

19               (1) seek to withhold a recording subject to Subsection  
20 (d) in accordance with procedures provided by Section [552.301](#),  
21 Government Code;

22               (2) assert any exceptions to disclosure in Chapter  
23 [552](#), Government Code, or other law; or

24               (3) release a recording requested in accordance with  
25 Subsection (a) after the agency redacts any information made  
26 confidential under Chapter [552](#), Government Code, or other law.

27       (f) A law enforcement agency may not release any portion of

1 a recording involving the investigation of conduct that constitutes  
2 a misdemeanor punishable by fine only and does not result in arrest  
3 without written authorization from the person who is the subject of  
4 that portion of the recording or, if the person is deceased, from  
5 the person's authorized representative.

6 (g) The attorney general shall set a proposed fee to be  
7 charged to members of the public who seek to obtain a copy of a  
8 recording under this section. The fee amount must be sufficient to  
9 cover the cost of reviewing and making the recording. A law  
10 enforcement agency may provide a copy without charge or at a reduced  
11 charge if the agency determines that waiver or reduction of the  
12 charge is in the public interest.

13 (h) A recording is confidential and excepted from the  
14 requirements of Chapter 552, Government Code, if the recording:

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

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

19 Sec. 1701.720. VIDEO AND AUDIO RECORDINGS; REQUEST FOR  
20 ATTORNEY GENERAL DECISION. (a) Notwithstanding Section  
21 552.301(b), Government Code, a governmental body's request for a  
22 decision from the attorney general about whether a requested  
23 recording falls within an exception to public disclosure is  
24 considered timely if made not later than the 20th business day after  
25 the date of receipt of the written request.

26 (b) Notwithstanding Section 552.301(d), Government Code, a  
27 governmental body's response to a requestor regarding a requested



recording is considered timely if made not later than the 20th business day after the date of receipt of the written request.

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

(d) Notwithstanding Section 552.301(e-1), Government Code, a governmental body's submission to a requestor of the information required by that subsection regarding a requested recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

Sec. 1701.721. PRODUCTION OF VIDEO OR AUDIO RECORDING IN RESPONSE TO VOLUMINOUS PUBLIC INFORMATION REQUESTS. (a) Notwithstanding Section 552.221(d), Government Code, an officer for public information who is employed by a governmental body and who receives a voluminous request in accordance with Section 1701.719(a) is considered to have promptly produced the information for purposes of Section 552.221, Government Code, if the officer takes the actions required under that section before the 21st business day after the date of receipt of the written request.

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

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

(2) more than five separate requests for recordings from the same person in a 24-hour period, regardless of the number

1 of incidents included in each request; or

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

5 Sec. 1701.722. OFFENSE. (a) A peace officer or other  
6 employee of a law enforcement agency commits an offense if the  
7 officer or employee releases a recording under this subchapter  
8 without permission of the applicable law enforcement agency.

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

10 SECTION 5. Article 2.139, Code of Criminal Procedure, as  
11 added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature,  
12 Regular Session, 2015, is transferred to Subchapter O, Chapter  
13 1701, Occupations Code, as added by this Act, redesignated as  
14 Section 1701.717, Occupations Code, and amended to read as follows:

15 Sec. 1701.717 [~~Art. 2.139~~]. VIDEO RECORDINGS OF ARRESTS  
16 FOR INTOXICATION OFFENSES. A person stopped or arrested on  
17 suspicion of an offense under Section 49.04, 49.045, 49.07, or  
18 49.08, Penal Code, is entitled to receive from a law enforcement  
19 agency employing the peace officer who made the stop or arrest a  
20 copy of any video made by or at the direction of the officer that  
21 contains footage of:

22 (1) the stop;

23 (2) the arrest;

24 (3) the conduct of the person stopped during any  
25 interaction with the officer, including during the administration  
26 of a field sobriety test; or

27 (4) a procedure in which a specimen of the person's

1 breath or blood is taken.

2 SECTION 6. Section 1701.164, Occupations Code, is amended  
3 to read as follows:

4 Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA  
5 SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall  
6 collect and maintain incident-based data submitted to the  
7 commission under Section 1701.709 [~~Article 2.134, Code of Criminal~~  
8 ~~Procedure~~], including incident-based data compiled by a law  
9 enforcement agency from reports received by the law enforcement  
10 agency under Section 1701.708 [~~Article 2.133 of that code~~]. The  
11 commission in consultation with the Department of Public Safety,  
12 the Bill Blackwood Law Enforcement Management Institute of Texas,  
13 the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas  
14 Police Chiefs Association shall develop guidelines for submitting  
15 in a standard format the report containing incident-based data as  
16 required by Section 1701.709 [~~Article 2.134, Code of Criminal~~  
17 ~~Procedure~~].

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

20 (a) Except as provided by Subsection (d), the commission  
21 shall revoke or suspend a license, place on probation a person whose  
22 license has been suspended, or reprimand a license holder for a  
23 violation of:

- 24 (1) this chapter;
- 25 (2) the reporting requirements provided by Sections  
26 [~~Articles~~] 1701.702 [~~2.132~~] and 1701.709 [~~2.134, Code of Criminal~~  
27 ~~Procedure~~]; or

1           (3) a commission rule.

2           SECTION 8. (a) A law enforcement agency operating video or  
3 audio equipment on the effective date of this Act may submit any  
4 existing policy of the agency regarding the use of the equipment to  
5 the Texas Commission on Law Enforcement to determine whether the  
6 policy complies with Section 1701.705, Occupations Code, as added  
7 by this Act.

8           (b) Notwithstanding Section 1701.705, Occupations Code, as  
9 added by this Act, a law enforcement agency operating video or audio  
10 equipment on the effective date of this Act is not required to adopt  
11 or implement a policy that complies with Section 1701.705 before  
12 September 1, 2018.

13           (c) Sections 1701.717, 1701.718, 1701.719, 1701.720,  
14 1701.721, and 1701.722, Occupations Code, as added by this Act,  
15 apply to a release of a recording on or after the effective date of  
16 this Act, regardless of whether the incident that is the subject of  
17 the recording occurred before, on, or after the effective date of  
18 this Act.

19           SECTION 9. To the extent of any conflict, this Act prevails  
20 over another Act of the 85th Legislature, Regular Session, 2017,  
21 relating to nonsubstantive additions to and corrections in enacted  
22 codes.

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