

House Bill 245
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (IE)	CONFERENCE
<p>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:</p> <p>(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).</p> <p>(e) Not later than March <u>February</u> 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:</p> <p>(1) the total number of officer-involved injuries or deaths;</p> <p>(2) a summary of the reports submitted to the office under this article; and</p> <p>(3) a copy of each report submitted to the office under this article.</p> <p>SECTION 2. Articles 2.1395(b) and (c), Code of Criminal Procedure, are amended to read as follows:</p> <p>(b) Not later than the 30th day after the date of the occurrence of an incident described by Subsection (a), the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report, using the form created under that</p>	<p>SECTION 1. Same as House version.</p> <p>SECTION 2. Same as House version.</p>	

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subsection, 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 (a).

(c) Not later than ~~March~~ ~~February~~ 1 of each year, the office of the attorney general shall submit a report regarding all incidents described by Subsection (a) 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 incidents that occurred;
- (2) a summary of the reports submitted to the office under this article; and
- (3) a copy of each report submitted to the office under this article.

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

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

(b) Except as provided by Subsection (c), a law enforcement

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

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

(b) Except as provided by Subsection (c), a law enforcement

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<p><u>agency that fails to submit the required report on or before the seventh day after the date of receiving notice under Subsection (a) is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report.</u></p> <p><u>(c) Beginning on the day after the date of receiving notice under Subsection (a), a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty under Subsection (b) or this subsection is liable for a civil penalty for each day the agency fails to submit the required report. The amount of a civil penalty under this subsection is \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report.</u></p> <p><u>(d) The attorney general may sue to collect a civil penalty under this article.</u></p> <p><u>(e) A civil penalty collected under this article shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56.</u></p>	<p><u>agency that fails to submit the required report on or before the seventh day after the date of receiving notice under Subsection (a) is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report.</u></p> <p><u>(c) Beginning on the day after the date of receiving notice under Subsection (a), a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty under Subsection (b) or this subsection is liable for a civil penalty for each day the agency fails to submit the required report. The amount of a civil penalty under this subsection is \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report.</u></p> <p><u>(d) The attorney general may sue to collect a civil penalty under this article.</u></p> <p><u>(e) A civil penalty collected under this article shall be deposited to the credit of the compensation to victims of crime fund established under Subchapter B, Chapter 56.</u></p>	
No equivalent provision.	Same as House version. SECTION 4. [Deleted by FA1(1)]	
SECTION 4. Article 2.139, Code of Criminal Procedure, as added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature, Regular Session, 2015, is redesignated as Article 2.1396, Code of Criminal Procedure.	SECTION 5. Substantially the same as House version.	
No equivalent provision.	Same as House version. SECTION 6. [Deleted by FA1(2)]	

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

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

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

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SECTION 7. The changes in law made by this Act to Chapter 2, Code of Criminal Procedure, apply only to a report required to be submitted on or after the effective date of this Act. A report required to be submitted before the effective date of this Act is subject to the law in effect at the time the report was required to be submitted, and the former law is continued in effect for that purpose.

SECTION 8. Same as House version.

SECTION 9. Same as House version.

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