

By: Moody

H.B. No. 1020

A BILL TO BE ENTITLED

AN ACT

relating to requiring certain law enforcement agencies to implement a policy regarding cite and release for certain criminal offenses.

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

SECTION 1. Chapter 14, Code of Criminal Procedure, is amended by adding Article 14.07 to read as follows:

Art. 14.07. CITE AND RELEASE POLICY. (a) In this article:

(1) "Institute" means the Bill Blackwood Law Enforcement Management Institute of Texas located at Sam Houston State University.

(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 or arrests in the routine performance of the officers' official duties.

(b) The institute, in consultation with large, medium, and small law enforcement agencies, including agencies that have implemented written policies to issue citations under Article 14.06(b) or (c), the Office of Court Administration of the Texas Judicial System, the Commission on Jail Standards, appropriate organizations engaged in the development of law enforcement policy, and nonprofit or community-based organizations with expertise in issues related to criminal or juvenile justice, shall develop, adopt, and disseminate to law enforcement agencies a model policy

1 and associated training materials regarding the issuance of
2 citations in lieu of arrest for misdemeanors as permitted by
3 Article 14.06(b) or (c). The institute shall provide a reasonable
4 period for public comment regarding the model policy and associated
5 training materials before adopting the policy and materials.

6 (c) The model policy developed under Subsection (b) must be
7 based on:

8 (1) credible academic and policy research on the
9 issuance of citations in lieu of arrest; and

10 (2) best practices used by law enforcement agencies in
11 this state and other states that have successfully:

12 (A) implemented a cite and release policy; and

13 (B) reduced arrests for misdemeanors for which a
14 peace officer has statutory authority to issue a citation in lieu of
15 arrest.

16 (d) The model policy developed under Subsection (b) must
17 include the following information:

18 (1) procedures for issuing a citation for misdemeanors
19 punishable by a fine only as described by Article 14.06(b) and for
20 issuing a citation for Class A and B misdemeanors as described by
21 Article 14.06(c);

22 (2) a list of any exceptional circumstances under
23 which an arrest is necessary for a misdemeanor otherwise eligible
24 for the issuance of a citation in lieu of arrest;

25 (3) a plan to monitor the implementation of the policy
26 and compliance with the policy, including collection of necessary
27 data;

1 (4) procedures for providing to a defendant, at the
2 time the citation is issued, information that will maximize the
3 likelihood of the defendant's appearance in court; and

4 (5) any other procedures or best practices supported
5 by credible research or commonly accepted by law enforcement
6 agencies for reducing arrests for misdemeanors for which a peace
7 officer has statutory authority to issue a citation in lieu of
8 arrest.

9 (e) The model policy developed under Subsection (b) must be
10 designed to achieve the following goals:

11 (1) reducing the number of people arrested and booked
12 into county and municipal jails for misdemeanors and avoiding the
13 unnecessary detention of people who are arrested for but not yet
14 convicted of a misdemeanor;

15 (2) maximizing law enforcement efficiency by
16 increasing the issuance of citations in lieu of arrest; and

17 (3) maximizing defendants' appearance rates in court
18 pursuant to a citation.

19 (f) Each law enforcement agency shall adopt, implement, and
20 as necessary amend a detailed written policy regarding the issuance
21 of citations in lieu of arrest for misdemeanors as permitted by
22 Article 14.06(b) or (c). The policy must meet the requirements
23 applicable to the model policy as described by Subsections (c),
24 (d), and (e). A law enforcement agency may adopt the model policy
25 adopted by the institute under Subsection (b).

26 (g) Not later than December 31 of each odd-numbered year,
27 the institute shall review the model policy and associated training

1 materials adopted under this article and modify the policy and
2 materials as appropriate.

3 (h) Not later than September 1 of each even-numbered year,
4 each law enforcement agency shall review its policy adopted under
5 this article and modify the policy as appropriate.

6 SECTION 2. (a) Not later than December 31, 2019, the Bill
7 Blackwood Law Enforcement Management Institute of Texas shall
8 develop, adopt, and disseminate the model policy and associated
9 training materials required under Article 14.07(b), Code of
10 Criminal Procedure, as added by this Act.

11 (b) Not later than May 1, 2020, each law enforcement agency
12 as defined by Article 14.07(a)(2), Code of Criminal Procedure, as
13 added by this Act, shall adopt a policy as required by Article
14 14.07(f), Code of Criminal Procedure, as added by this Act.

15 SECTION 3. This Act takes effect September 1, 2019.