

1-1 By: Burns, Raymond, Collier H.B. No. 3540
 1-2 (Senate Sponsor - Hughes)
 1-3 (In the Senate - Received from the House May 6, 2019;
 1-4 May 10, 2019, read first time and referred to Committee on Criminal
 1-5 Justice; May 19, 2019, reported favorably by the following vote:
 1-6 Yeas 6, Nays 0; May 19, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10			X	
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15	X			

1-16 A BILL TO BE ENTITLED
 1-17 AN ACT

1-18 relating to the authority of a peace officer to release in lieu of
 1-19 arrest certain persons with an intellectual or developmental
 1-20 disability.

1-21 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-22 SECTION 1. Chapter 14, Code of Criminal Procedure, is
 1-23 amended by adding Article 14.035 to read as follows:

1-24 Art. 14.035. AUTHORITY TO RELEASE IN LIEU OF ARREST CERTAIN
 1-25 PERSONS WITH INTELLECTUAL OR DEVELOPMENTAL DISABILITY. (a) This
 1-26 article applies only to a person with an intellectual or
 1-27 developmental disability who resides at one of the following types
 1-28 of facilities operated under the home and community-based services
 1-29 waiver program in accordance with Section 1915(c) of the Social
 1-30 Security Act (42 U.S.C. Section 1396n):

1-31 (1) a group home; or

1-32 (2) an intermediate care facility for persons with an
 1-33 intellectual or developmental disability (ICF/IID) as defined by 40
 1-34 T.A.C. Section 9.153.

1-35 (b) In lieu of arresting a person described by Subsection
 1-36 (a), a peace officer may release the person at the person's
 1-37 residence if the officer:

1-38 (1) believes confinement of the person in a
 1-39 correctional facility as defined by Section 1.07, Penal Code, is
 1-40 unnecessary to protect the person and the other persons who reside
 1-41 at the residence; and

1-42 (2) made reasonable efforts to consult with the staff
 1-43 at the person's residence and with the person regarding that
 1-44 decision.

1-45 (c) A peace officer and the agency or political subdivision
 1-46 that employs the peace officer may not be held liable for damage to
 1-47 persons or property that results from the actions of a person
 1-48 released under Subsection (b).

1-49 SECTION 2. This Act takes effect September 1, 2019.

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