

BILL ANALYSIS

C.S.H.B. 1837
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Concerns have been raised that motorcyclists continue to be profiled and subject to unnecessary traffic stops on the basis of wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity. This is despite required education for law enforcement officers on motorcycle operator profiling awareness and sensitivity training. C.S.H.B. 1837 addresses these concerns by specifically prohibiting motorcycle profiling by law enforcement officers and requiring law enforcement agencies to adopt policies for citizen complaint, investigation, and disciplinary action in cases where violations are found.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 1837 amends the Code of Criminal Procedure to prohibit a peace officer from engaging in motorcycle profiling, defined by the bill as a law enforcement-initiated action based wholly or partially on an individual operating a motorcycle or wearing motorcycle-related or motorcycle club-related paraphernalia rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity, including a motor vehicle stop that is made with respect to an individual operating a motorcycle and that the officer extends beyond the period necessary to effectuate the purpose of the stop.

C.S.H.B. 1837 requires each law enforcement agency in Texas, not later than December 1, 2021, to adopt a detailed written policy on motorcycle profiling that must do the following:

- clearly define acts constituting motorcycle profiling;
- strictly prohibit peace officers employed by the agency from engaging in motorcycle profiling;
- 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 motorcycle profiling with respect to the individual; and
- require appropriate disciplinary action to be taken against an officer employed by the agency who, after an investigation, is shown to have engaged in motorcycle profiling in violation of the agency's policy.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1837 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute includes the following provisions that were not in the original:

- a provision establishing that motorcycle profiling includes a motor vehicle stop that is made with respect to an individual operating a motorcycle and that the officer extends beyond the period necessary to effectuate the purpose of the stop; and
- a requirement for each law enforcement agency in Texas to adopt a policy on motorcycle profiling not later than December 1, 2021.

The substitute does not include provisions that appeared in the original authorizing an individual against whom a peace officer had engaged in motorcycle profiling to bring an action against the officer or the governmental unit employing the officer.