

BILL ANALYSIS

Senate Research Center
87R2495 JRR-D

S.B. 664
By: Powell
Criminal Justice
4/6/2021
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

According to the Training Institute on Strangulation Prevention, up to 68 percent of victims of intimate partner violence experience near-fatal strangulation. Additionally, odds for homicide increase 750 percent for victims who have been strangled, compared to victims who have never been strangled.

Many victims of strangulation, even in fatal cases, do not exhibit serious or life-threatening injuries. Death can occur days or weeks after strangulation due to carotid artery dissection and respiratory complications. Common injuries resulting from near-fatal strangulation include traumatic brain injury, PTSD, depression, suicidal ideations, memory problems, nightmares, anxiety, severe stress reaction, amnesia, and psychosis. Due to the fear of retribution from their abusers and minimization of their symptoms or injuries, victims of strangulation often decline medical assistance on the scene of incidents of intimate partner violence.

Under S.B. 664, a peace officer who responds to a call for services that involves an alleged or suspected incident of strangulation would be required to: request assistance from emergency medical services personnel to evaluate and render aid to the victim of strangulation; utilize the strangulation checklist developed under the Occupations Code; and provide the victim referral information for appropriate support agencies.

As proposed, S.B. 664 amends current law relating to procedures for peace officers and emergency medical services personnel who respond to calls involving an alleged or suspected act of strangulation.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.33, as follows:

Art. 2.33. PROCEDURES FOR RESPONDING TO CALLS INVOLVING ALLEGED OR SUSPECTED ACT OF STRANGULATION. (a) Defines "emergency medical services personnel" and "strangulation."

(b) Requires a peace officer who responds to a call for service that involves an alleged or suspected act of strangulation to:

- (1) request assistance from emergency medical services personnel to evaluate and render aid to the victim of strangulation;
- (2) use the checklist developed under Section 1701.165, Occupations Code, in providing appropriate assistance to the victim; and
- (3) provide the victim with referral information to the appropriate support agency for purposes of receiving additional assistance.

(c) Requires that the peace officer's report regarding the incident thoroughly document the following:

(1) the name, identification number, employment agency, and unit number of all emergency medical services personnel providing assistance under Subsection (b);

(2) victim and witness accounts of the suspect's behavior, actions, and any comments made during the act of strangulation;

(3) the officer's observations regarding the suspect's behavior, actions, and any comments made after the officer's arrival on the scene; and

(4) the referral information given to the victim under Subsection (b)(3).

(d) Requires the emergency medical services personnel providing assistance under Subsection (b) to conduct a medical evaluation and assessment of the victim.

SECTION 2. Amends Subchapter D, Chapter 1701, Occupations Code, by adding Section 1701.165, as follows:

Sec. 1701.165. CHECKLIST FOR PEACE OFFICERS RESPONDING TO CALLS INVOLVING ALLEGED OR SUSPECTED ACT OF STRANGULATION. (a) Defines "strangulation."

(b) Requires the Texas Commission on Law Enforcement (TCOLE) to develop and make available to all law enforcement agencies in this state a checklist to assist peace officers in evaluating an alleged or suspected act of strangulation and providing assistance to the victim of strangulation.

SECTION 3. (a) Requires TCOLE to develop and make available the checklist required by Section 1701.165, Occupations Code, as added by this Act, not later than December 1, 2021.

(b) Provides that a peace officer is not required to comply with Article 2.33(b)(2), Code of Criminal Procedure, as added by this Act, until January 1, 2022.

SECTION 4. Effective date: September 1, 2021.