By:  Miles, et al. S.B. No. 68

(Reynolds, White, Thompson of Harris, Coleman, Crockett)

A BILL TO BE ENTITLED

AN ACT

relating to a duty for peace officers to intervene and make a report when a peace officer uses excessive force.

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

SECTION 1.  Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1387 to read as follows:

Art. 2.1387.  INTERVENTION REQUIRED FOR EXCESSIVE FORCE; REPORT REQUIRED. (a) A peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(1)  the amount of force exceeds that which is reasonable under the circumstances; and

(2)  the officer knows or should know that the other officer's use of force:

(A)  violates state or federal law;

(B)  puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(C)  is not required to apprehend the person suspected of committing an offense.

(b)  A peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report.

SECTION 2.  This Act takes effect September 1, 2021.