

By: Thompson of Harris

H.B. No. 88

A BILL TO BE ENTITLED

1 AN ACT
2 relating to interactions between law enforcement and individuals
3 detained or arrested on suspicion of the commission of criminal
4 offenses, witnesses to the commission of those offenses, and other
5 members of the public, to peace officer liability for those
6 interactions, and to the confinement, conviction, or release of
7 detained or arrested individuals.

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

9 SECTION 1. This Act shall be known as the George Floyd Act.

10 SECTION 2. Title 6, Civil Practice and Remedies Code, is
11 amended by adding Chapter 135 to read as follows:

12 CHAPTER 135. PEACE OFFICER LIABILITY FOR DEPRIVATION OF CERTAIN
13 RIGHTS, PRIVILEGES, OR IMMUNITIES

14 Sec. 135.0001. DEFINITIONS. In this chapter:

15 (1) "Peace officer" has the meaning assigned by
16 Article 2.12, Code of Criminal Procedure.

17 (2) "Public entity" means:

18 (A) this state;

19 (B) a political subdivision of this state,
20 including a municipality or county; and

21 (C) any other governmental agency whose
22 authority is derived from the laws or constitution of this state.

23 Sec. 135.0002. PEACE OFFICER LIABILITY FOR DEPRIVATION OF
24 RIGHTS, PRIVILEGES, OR IMMUNITIES UNDER COLOR OF LAW. (a) A person

1 may bring an action for any appropriate relief, including legal or
2 equitable relief, against a peace officer who, under the color of
3 law, deprived the person of or caused the person to be deprived of a
4 right, privilege, or immunity secured by the Texas Constitution.

5 (b) A person must bring an action under this chapter not
6 later than two years after the day the cause of action accrues.

7 Sec. 135.0003. APPLICABILITY OF OTHER LAW; PROHIBITED
8 DEFENSES. (a) Notwithstanding any other law, a statutory immunity
9 or limitation on liability, damages, or attorney's fees does not
10 apply to an action brought under this chapter.

11 (b) Notwithstanding any other law, qualified immunity or a
12 defendant's good faith but erroneous belief in the lawfulness of
13 the defendant's conduct is not a defense to an action brought under
14 this chapter.

15 Sec. 135.0004. ATTORNEY'S FEES AND COSTS. (a) In an action
16 brought under this chapter, a court shall award reasonable
17 attorney's fees and costs to a prevailing plaintiff.

18 (b) In an action brought under this chapter, if a judgment
19 is entered in favor of a defendant, the court may award reasonable
20 attorney's fees and costs to the defendant only for defending
21 claims the court finds frivolous.

22 Sec. 135.0005. INDEMNIFICATION REQUIRED; EXCEPTION. (a)
23 Notwithstanding any other law and except as provided by Subsection
24 (b), a public entity shall indemnify a peace officer employed by the
25 entity for liability incurred by and a judgment imposed against the
26 officer in an action brought under this chapter.

27 (b) A public entity is not required to indemnify a peace

1 officer employed by the entity under Subsection (a) if the officer
2 was convicted of a criminal violation for the conduct that is the
3 basis for the action brought under this chapter.

4 SECTION 3. Article 2.13(b), Code of Criminal Procedure, is
5 amended to read as follows:

6 (b) The officer [~~shall~~]:

7 (1) may, if authorized [~~in every case authorized by~~
8 ~~the provisions of this Code~~], interfere without warrant to prevent
9 or suppress crime;

10 (2) shall execute all lawful process issued to the
11 officer by any magistrate or court;

12 (3) shall give notice to some magistrate of all
13 offenses committed within the officer's jurisdiction, if [~~where~~]
14 the officer has probable cause [~~good reason~~] to believe there has
15 been a violation of the penal law; [~~and~~]

16 (4) may, if authorized, arrest offenders without
17 warrant so [~~in every case where the officer is authorized by law, in~~
18 ~~order~~] that they may be taken before the proper magistrate or court
19 and be tried;

20 (5) shall make an identification as a peace officer
21 before taking any action within the course and scope of the
22 officer's official duties unless the identification would render
23 the action impracticable;

24 (6) shall intervene if the use of force by another
25 peace officer:

26 (A) violates state or federal law or a policy of
27 any entity served by the other officer;

1 (B) puts any person at risk of bodily injury,
2 unless the officer reasonably believes that the other officer's use
3 of force is immediately necessary to avoid imminent harm to a peace
4 officer or other person; or

5 (C) is not required to apprehend or complete the
6 apprehension of a suspect; and

7 (7) shall provide aid immediately to any person who
8 needs medical attention, including a person who needs medical
9 attention as a result of the use of force by a peace officer.

10 SECTION 4. Chapter 2, Code of Criminal Procedure, is
11 amended by adding Articles 2.1309 and 2.33 to read as follows:

12 Art. 2.1309. CITE AND RELEASE POLICY. (a) In this article,
13 "law enforcement agency" means an agency of the state or an agency
14 of a political subdivision of the state authorized by law to employ
15 peace officers.

16 (b) Texas Southern University, in consultation with law
17 enforcement agencies, law enforcement associations, law
18 enforcement training experts, and community organizations engaged
19 in the development of law enforcement policy, shall publish a
20 written model policy regarding the issuance of citations for
21 misdemeanor offenses, including traffic offenses, that are
22 punishable by fine only. The policy must provide a procedure for a
23 peace officer, on a person's presentation of appropriate
24 identification, to verify the person's identity and issue a
25 citation to the person. The policy must comply with Articles 14.01,
26 14.03, and 14.06 of this code and Sections 543.001 and 543.004,
27 Transportation Code.

1 (c) Each law enforcement agency shall adopt a written policy
2 regarding the issuance of citations for misdemeanor offenses,
3 including traffic offenses, that are punishable by fine only. The
4 policy must meet the requirements for the model policy described by
5 Subsection (b). A law enforcement agency may adopt the model policy
6 published by Texas Southern University under Subsection (b).

7 Art. 2.33. LAW ENFORCEMENT POLICY ON DE-ESCALATION AND
8 PROPORTIONATE RESPONSE. (a) In this article, "law enforcement
9 agency" means an agency of the state or an agency of a political
10 subdivision of the state authorized by law to employ peace
11 officers.

12 (b) Each law enforcement agency shall adopt a detailed
13 written policy regarding the use of force by peace officers. The
14 policy must:

15 (1) emphasize conflict de-escalation and the use of
16 force in a manner proportionate to the threat posed and to the
17 seriousness of the alleged offense;

18 (2) mandate that deadly force is only to be used by
19 peace officers as a last resort; and

20 (3) affirm the sanctity of human life and the
21 importance of treating all persons with dignity and respect.

22 (c) A law enforcement agency may adopt the model policy
23 developed by the Texas Commission on Law Enforcement under Section
24 1701.165, Occupations Code, or may adopt its own policy.

25 SECTION 5. Article 14.01, Code of Criminal Procedure, is
26 amended by adding Subsection (c) to read as follows:

27 (c) Notwithstanding Subsection (a) or (b), a peace officer

1 or any other person may not, without a warrant, arrest an offender
2 for a misdemeanor punishable by fine only, other than an offense
3 under Section 22.01(a)(2) or (3), Penal Code, or Section 49.02,
4 Penal Code.

5 SECTION 6. Article 14.03, Code of Criminal Procedure, is
6 amended by adding Subsection (h) to read as follows:

7 (h) Notwithstanding Subsection (a), (d), or (g), a peace
8 officer may not, without a warrant, arrest a person who only commits
9 one or more offenses punishable by fine only, other than an offense
10 under Section 22.01(a)(2) or (3), Penal Code, or Section 49.02,
11 Penal Code.

12 SECTION 7. Article 14.06, Code of Criminal Procedure, is
13 amended by amending Subsection (b) and adding Subsection (b-1) to
14 read as follows:

15 (b) A peace officer who is charging a person, including a
16 child, with committing an offense that is a [~~Class C~~] misdemeanor
17 punishable by fine only, other than an offense under Section 49.02,
18 Penal Code, shall [~~may~~], instead of taking the person before a
19 magistrate, issue a citation to the person that contains:

20 (1) written notice of the time and place the person
21 must appear before a magistrate;

22 (2) the name and address of the person charged;

23 (3) the offense charged;

24 (4) information regarding the alternatives to the full
25 payment of any fine or costs assessed against the person, if the
26 person is convicted of the offense and is unable to pay that amount;

27 and

1 (5) the following admonishment, in boldfaced or
2 underlined type or in capital letters:

3 "If you are convicted of a misdemeanor offense involving
4 violence where you are or were a spouse, intimate partner, parent,
5 or guardian of the victim or are or were involved in another,
6 similar relationship with the victim, it may be unlawful for you to
7 possess or purchase a firearm, including a handgun or long gun, or
8 ammunition, pursuant to federal law under 18 U.S.C. Section
9 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any
10 questions whether these laws make it illegal for you to possess or
11 purchase a firearm, you should consult an attorney."

12 (b-1) Notwithstanding Subsection (b), a peace officer who
13 is charging a person, including a child, with committing an offense
14 that is a misdemeanor under Section 22.01(a)(2) or (3), Penal Code,
15 punishable by fine only may, instead of taking the person before a
16 magistrate, issue a citation to the person that contains all of the
17 information required for a citation issued under Subsection (b).

18 SECTION 8. Article 38.141, Code of Criminal Procedure, is
19 amended to read as follows:

20 Art. 38.141. CORROBORATION REQUIRED FOR CERTAIN TESTIMONY
21 RELATING TO COVERT LAW ENFORCEMENT ACTIVITY [~~OF UNDERCOVER PEACE~~
22 ~~OFFICER OR SPECIAL INVESTIGATOR~~]. (a) A defendant may not be
23 convicted of an offense under Chapter 481, Health and Safety Code,
24 on the testimony of a person who is [~~not a licensed peace officer or~~
25 ~~a special investigator but who is~~] acting covertly on behalf of a
26 law enforcement agency or under the color of law enforcement unless
27 the testimony is corroborated by other evidence tending to connect

1 the defendant with the offense committed.

2 (b) Corroboration is not sufficient for the purposes of this
3 article if the corroboration only shows the commission of the
4 offense.

5 ~~[(c) In this article, "peace officer" means a person listed~~
6 ~~in Article 2.12, and "special investigator" means a person listed~~
7 ~~in Article 2.122.]~~

8 SECTION 9. Subchapter B, Chapter 142, Local Government
9 Code, is amended by adding Section 142.0605 to read as follows:

10 Sec. 142.0605. PROGRESSIVE DISCIPLINARY MATRIX. (a) A
11 public employer shall implement a progressive disciplinary matrix,
12 as described by Section 143.0511, for municipal police officers if
13 the municipality has not adopted Chapter 143.

14 (b) The public employer shall adopt rules necessary to
15 implement the progressive disciplinary matrix.

16 SECTION 10. Section 142.067, Local Government Code, is
17 amended to read as follows:

18 Sec. 142.067. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

19 (a) Except as provided by Subsection (b), a [A] written meet and
20 confer agreement ratified under this subchapter preempts, during
21 the term of the agreement and to the extent of any conflict, all
22 contrary state statutes, local ordinances, executive orders, civil
23 service provisions, or rules adopted by the head of the law
24 enforcement agency or municipality or by a division or agent of the
25 municipality, such as a personnel board or a civil service
26 commission.

27 (b) An agreement under this subchapter:

1 (1) must implement the progressive disciplinary
2 matrix established under Section 142.0605 or 143.0511; and

3 (2) may not conflict with and does not supersede a
4 statute, ordinance, order, civil service provision, or rule
5 concerning the disciplinary actions that may be imposed on a police
6 officer under the progressive disciplinary matrix.

7 SECTION 11. Section 143.003, Local Government Code, is
8 amended by adding Subdivision (6) to read as follows:

9 (6) "Progressive disciplinary matrix" means a formal
10 schedule for disciplinary actions that may be taken against a
11 police officer as described by Section 143.0511.

12 SECTION 12. Section 143.008, Local Government Code, is
13 amended by amending Subsection (c) and adding Subsection (c-1) to
14 read as follows:

15 (c) The commission shall adopt rules that prescribe cause
16 for removal or suspension of a fire fighter [~~or police officer~~]. The
17 rules must comply with the grounds for removal prescribed by
18 Section 143.051.

19 (c-1) The commission shall adopt rules that prescribe the
20 disciplinary actions that may be taken against a police officer
21 under a progressive disciplinary matrix.

22 SECTION 13. Subchapter D, Chapter 143, Local Government
23 Code, is amended by adding Section 143.0511 to read as follows:

24 Sec. 143.0511. PROGRESSIVE DISCIPLINARY MATRIX. (a) The
25 commission shall implement a progressive disciplinary matrix for
26 infractions committed by police officers that consists of a range
27 of progressive disciplinary actions applied in a standardized way

1 based on the nature of the infraction and the officer's prior
2 conduct record, including removal, suspension, change of duty or
3 assignment, demotion, deduction of points from a promotional
4 examination grade, retraining, a written warning, or a written
5 reprimand.

6 (b) The progressive disciplinary matrix must include:

7 (1) standards for disciplinary actions relating to the
8 use of force against another person, including the failure to
9 de-escalate force incidents in accordance with departmental
10 policy;

11 (2) standards for evaluating the level of discipline
12 appropriate for uncommon infractions; and

13 (3) presumptive actions to be taken for each type of
14 infraction and any adjustment to be made based on a police officer's
15 previous disciplinary record.

16 SECTION 14. Section 143.057, Local Government Code, is
17 amended by amending Subsection (a) and adding Subsection (b-1) to
18 read as follows:

19 (a) In addition to the other notice requirements prescribed
20 by this chapter, the written notice for a promotional bypass or the
21 letter of disciplinary action, as applicable, issued to a fire
22 fighter or police officer must state that in an appeal of an
23 indefinite suspension, a suspension, a promotional bypass, ~~or~~ a
24 recommended demotion, or, if issued to a police officer, any other
25 disciplinary sanction, the appealing fire fighter or police officer
26 may elect to appeal to an independent third party hearing examiner
27 instead of to the commission. The letter must also state that if the

1 fire fighter or police officer elects to appeal to a hearing
2 examiner, the person waives all rights to appeal to a district court
3 except as provided by Subsection (j).

4 (b-1) A hearing examiner must presume a disciplinary action
5 applied to a police officer under a progressive disciplinary matrix
6 is reasonable unless the facts indicate that the department
7 inappropriately applied a category of offense to the particular
8 violation.

9 SECTION 15. Section 143.307, Local Government Code, is
10 amended by amending Subsections (a) and (b) and adding Subsection
11 (d) to read as follows:

12 (a) Except as provided by Subsection (d), an [~~An~~] agreement
13 under this subchapter supersedes a previous statute concerning
14 wages, salaries, rates of pay, hours of work, or other terms and
15 conditions of employment to the extent of any conflict with the
16 statute.

17 (b) Except as provided by Subsection (d), an [~~An~~] agreement
18 under this subchapter preempts any contrary statute, executive
19 order, local ordinance, or rule adopted by the state or a political
20 subdivision or agent of the state, including a personnel board, a
21 civil service commission, or a home-rule municipality.

22 (d) An agreement under this subchapter affecting police
23 officers:

24 (1) must implement the progressive disciplinary
25 matrix established under Section 143.0511; and

26 (2) may not conflict with and does not supersede a
27 statute, order, ordinance, or rule concerning the disciplinary

1 actions that may be imposed on a police officer under the
2 progressive disciplinary matrix.

3 SECTION 16. Section 143.361, Local Government Code, is
4 amended by amending Subsections (a) and (b) and adding Subsection
5 (d) to read as follows:

6 (a) Except as provided by Subsection (d), a [A] written
7 agreement ratified under this subchapter between a public employer
8 and the bargaining agent supersedes a previous statute concerning
9 wages, salaries, rates of pay, hours of work, and other terms of
10 employment other than pension benefits to the extent of any
11 conflict with the previous statute.

12 (b) Except as provided by Subsection (d), a [A] written
13 agreement ratified under this subchapter preempts all contrary
14 local ordinances, executive orders, legislation, or rules adopted
15 by the state or a political subdivision or agent of the state, such
16 as a personnel board, a civil service commission, or a home-rule
17 municipality.

18 (d) An agreement under this subchapter affecting police
19 officers:

20 (1) must implement the progressive disciplinary
21 matrix established under Section 143.0511; and

22 (2) may not conflict with and does not supersede an
23 ordinance, order, statute, or rule concerning the disciplinary
24 actions that may be imposed on a police officer under the
25 progressive disciplinary matrix.

26 SECTION 17. Section 174.005, Local Government Code, is
27 amended to read as follows:

1 Sec. 174.005. PREEMPTION OF OTHER LAW. (a) Except as
2 provided by Subsection (b), this [~~This~~] chapter preempts all
3 contrary local ordinances, executive orders, legislation, or rules
4 adopted by the state or by a political subdivision or agent of the
5 state, including a personnel board, civil service commission, or
6 home-rule municipality.

7 (b) This chapter does not authorize the adoption or
8 implementation of an agreement that conflicts with an ordinance,
9 order, statute, or rule concerning the disciplinary actions that
10 may be imposed on municipal police officers under a progressive
11 disciplinary matrix implemented by the municipal public employer.

12 SECTION 18. Subchapter B, Chapter 174, Local Government
13 Code, is amended by adding Section 174.024 to read as follows:

14 Sec. 174.024. PROGRESSIVE DISCIPLINARY MATRIX FOR CERTAIN
15 POLICE OFFICERS. (a) A municipal public employer shall implement a
16 progressive disciplinary matrix, as described by Section 143.0511,
17 for municipal police officers if the municipality has not adopted
18 Chapter 143.

19 (b) The municipal public employer shall adopt rules
20 necessary to implement the progressive disciplinary matrix.

21 SECTION 19. Subchapter D, Chapter 1701, Occupations Code,
22 is amended by adding Section 1701.165 to read as follows:

23 Sec. 1701.165. MODEL POLICY ON USE OF FORCE. (a) The
24 commission shall develop and make available to all law enforcement
25 agencies in this state a model policy and associated training
26 materials regarding the use of force by peace officers. The model
27 policy must:

1 (1) be designed to minimize the number and severity of
2 incidents in which peace officers use force; and

3 (2) be consistent with the requirements of Article
4 2.33(b), Code of Criminal Procedure, and the guiding principles on
5 the use of force issued by the Police Executive Research Forum.

6 (b) In developing a model policy under this section, the
7 commission shall consult with:

8 (1) law enforcement agencies and organizations,
9 including the Police Executive Research Forum and other national
10 experts on police management and training; and

11 (2) community organizations.

12 (c) On request of a law enforcement agency, the commission
13 shall provide the agency with training regarding the policy
14 developed under Subsection (a).

15 SECTION 20. Sections 9.51(a), (b), (c), and (d), Penal
16 Code, are amended to read as follows:

17 (a) A peace officer, or a person acting in a peace officer's
18 presence and at the officer's [~~his~~] direction, is justified in
19 using nonlethal force against another when and to the degree [~~the~~
20 ~~actor reasonably believes~~] the force is immediately necessary to
21 make or assist in making an arrest or search, or to prevent or
22 assist in preventing escape after arrest, if:

23 (1) the actor reasonably believes the arrest or search
24 is lawful or, if the arrest or search is made under a warrant, the
25 actor [~~he~~] reasonably believes the warrant is valid; [~~and~~]

26 (2) before using force, the actor:

27 (A) manifests the actor's [~~his~~] purpose to arrest

1 or search and identifies the actor [~~himself~~] as a peace officer or
2 as a person [~~one~~] acting at a peace officer's direction, unless the
3 actor [~~he~~] reasonably believes the actor's [~~his~~] purpose and
4 identity are already known by or cannot reasonably be made known to
5 the person for whom the arrest or search is authorized;

6 (B) attempts to de-escalate the situation; and

7 (C) issues a warning that force will be used;

8 (3) the force used is proportionate to the threat
9 posed and to the seriousness of the alleged offense;

10 (4) the actor immediately terminates the use of force
11 the moment the person against whom force is used becomes compliant
12 or is subdued; and

13 (5) the use of force does not present a serious risk of
14 injury to any person other than the actor or the person against whom
15 the force is used [~~to be arrested~~].

16 (b) A person who is not [~~other than~~] a peace officer [~~+~~] or
17 [~~one~~] acting at a peace officer's [~~his~~] direction [~~+~~] is justified
18 in using nonlethal force against another when and to the degree [~~the~~
19 ~~actor reasonably believes~~] the force is immediately necessary to
20 make or assist in making a lawful arrest, or to prevent or assist in
21 preventing escape after lawful arrest if:

22 (1) [~~+~~] before using force, the actor:

23 (A) manifests the actor's [~~his~~] purpose to arrest
24 and the reason for the arrest or reasonably believes the actor's
25 [~~his~~] purpose and the reason are already known by or cannot
26 reasonably be made known to the person for whom arrest is
27 authorized;

1 (B) attempts to de-escalate the situation; and

2 (C) issues a warning that force will be used;

3 (2) the force used is proportionate to the threat
4 posed and to the seriousness of the alleged offense;

5 (3) the actor immediately terminates the use of force
6 the moment the person against whom force is used becomes compliant
7 or is subdued; and

8 (4) the use of force does not present a serious risk of
9 injury to any person other than the actor or the person against whom
10 the force is used [to be arrested].

11 (c) A peace officer is only justified in using deadly force
12 against another when and to the degree [~~the peace officer~~
13 ~~reasonably believes~~] the deadly force is immediately necessary to
14 make an arrest, or to prevent escape after arrest, if the use of
15 force would have been justified under Subsection (a) and:

16 (1) [~~the actor reasonably believes the conduct for~~
17 ~~which arrest is authorized included the use or attempted use of~~
18 ~~deadly force; or~~

19 [~~(2) the actor reasonably believes there is a~~
20 ~~substantial risk that~~] the person for whom arrest is authorized
21 poses an imminent threat of [to be arrested will cause] death or
22 serious bodily injury to the actor or another;

23 (2) the deadly force is used only against the person
24 for whom arrest is authorized;

25 (3) the actor immediately terminates the use of deadly
26 force the moment the imminent threat of death or serious bodily
27 injury is eliminated; and

1 (4) no lesser degree of force could have eliminated
2 the imminent threat of death or serious bodily injury [~~if the arrest~~
3 ~~is delayed~~].

4 (d) A person who is not [~~other than~~] a peace officer but is
5 acting in a peace officer's presence and at the officer's [~~his~~]
6 direction is justified in using deadly force against another when
7 and to the degree [~~the person reasonably believes~~] the deadly force
8 is immediately necessary to make a lawful arrest, or to prevent
9 escape after a lawful arrest, if the use of force would have been
10 justified under Subsection (b) and:

11 (1) [~~the actor reasonably believes the felony or~~
12 ~~offense against the public peace for which arrest is authorized~~
13 ~~included the use or attempted use of deadly force; or~~

14 [~~(2) the actor reasonably believes there is a~~
15 ~~substantial risk that~~] the person for whom arrest is authorized
16 poses an imminent threat of [~~to be arrested will cause~~] death or
17 serious bodily injury to another;

18 (2) the deadly force is used only against the person
19 for whom arrest is authorized;

20 (3) the actor immediately terminates the use of deadly
21 force the moment the imminent threat of death or serious bodily
22 injury is eliminated; and

23 (4) no lesser degree of force could have eliminated
24 the imminent threat of death or serious bodily injury [~~if the arrest~~
25 ~~is delayed~~].

26 SECTION 21. Subchapter E, Chapter 9, Penal Code, is amended
27 by adding Section 9.515 to read as follows:

1 Sec. 9.515. PROHIBITED TECHNIQUES. Notwithstanding any
2 other law, the use of force or deadly force against a person is not
3 justified under Section 9.51 if the force or deadly force is used in
4 a manner that impedes the normal breathing or circulation of the
5 blood of the person by applying pressure to the person's throat or
6 neck or by blocking the person's nose or mouth.

7 SECTION 22. Section 543.001, Transportation Code, is
8 amended to read as follows:

9 Sec. 543.001. ARREST WITHOUT WARRANT AUTHORIZED. Any peace
10 officer may arrest without warrant a person found committing a
11 violation of this subtitle, other than a person found only
12 committing one or more misdemeanors punishable by fine only.

13 SECTION 23. Section 543.004(a), Transportation Code, is
14 amended to read as follows:

15 (a) An officer shall issue a written notice to appear if:

16 (1) the offense charged is a misdemeanor under this
17 subtitle that is punishable by fine only[+

18 [~~(A) speeding,~~

19 [~~(B) the use of a wireless communication device~~
20 ~~under Section 545.4251, or~~

21 [~~(C) a violation of the open container law,~~
22 ~~Section 49.031, Penal Code]~~; and

23 (2) the person makes a written promise to appear in
24 court as provided by Section 543.005.

25 SECTION 24. Section 9.51(e), Penal Code, is repealed.

26 SECTION 25. Chapter 135, Civil Practice and Remedies Code,
27 as added by this Act, applies only to a cause of action that accrues

1 on or after the effective date of this Act.

2 SECTION 26. The changes in law made by this Act to the Local
3 Government Code apply only to a disciplinary action for conduct
4 that occurs on or after March 1, 2022. Conduct that occurs before
5 that date is governed by the law in effect immediately before that
6 date, and the former law is continued in effect for that purpose.

7 SECTION 27. Sections [142.067\(b\)](#), [143.307\(d\)](#), [143.361\(d\)](#),
8 and [174.005\(b\)](#), Local Government Code, as added by this Act, apply
9 only to an agreement entered into or renewed on or after March 1,
10 2022. An agreement entered into or renewed before March 1, 2022, is
11 governed by the law in effect on the date the agreement was entered
12 into or renewed, and the former law is continued in effect for that
13 purpose.

14 SECTION 28. (a) The Bill Blackwood Law Enforcement
15 Management Institute of Texas shall consult with law enforcement
16 agencies of all sizes, law enforcement associations, law
17 enforcement training experts, and appropriate organizations
18 engaged in the development of law enforcement policy to develop a
19 model progressive disciplinary matrix, as defined by Section
20 [143.003\(6\)](#), Local Government Code, as added by this Act, and
21 associated training materials regarding the application of that
22 matrix. The institute shall provide for a period of public comment
23 before adopting the model progressive disciplinary matrix and
24 training materials.

25 (b) Not later than January 1, 2022, the institute shall
26 adopt and disseminate the model progressive disciplinary matrix and
27 training materials to all law enforcement agencies and civil

1 service commissions in this state.

2 (c) This section expires September 1, 2022.

3 SECTION 29. Articles 14.01, 14.03, and 14.06, Code of
4 Criminal Procedure, as amended by this Act, Section 9.515, Penal
5 Code, as added by this Act, and Sections 543.001 and 543.004,
6 Transportation Code, as amended by this Act, apply only to an
7 offense committed on or after the effective date of this Act. An
8 offense committed before the effective date of this Act is governed
9 by the law in effect on the date the offense was committed, and the
10 former law is continued in effect for that purpose. For purposes of
11 this section, an offense was committed before the effective date of
12 this Act if any element of the offense occurred before that date.

13 SECTION 30. (a) Not later than January 1, 2022, Texas
14 Southern University shall publish the model policy required by
15 Article 2.1309(b), Code of Criminal Procedure, as added by this
16 Act.

17 (b) Not later than March 1, 2022, each law enforcement
18 agency in this state shall adopt the policy required by Article
19 2.1309(c), Code of Criminal Procedure, as added by this Act.

20 SECTION 31. Article 38.141, Code of Criminal Procedure, as
21 amended by this Act, applies to any case in which a judgment is
22 entered on or after the effective date of this Act. A case in which
23 a judgment is entered before the effective date of this Act is
24 governed by the law in effect on the date the judgment was entered,
25 and the former law is continued in effect for that purpose.

26 SECTION 32. (a) Not later than January 1, 2022, the Texas
27 Commission on Law Enforcement shall develop and make available the

1 model policy and associated training materials required under
2 Section 1701.165, Occupations Code, as added by this Act.

3 (b) Not later than March 1, 2022, each law enforcement
4 agency in this state shall adopt the policy required by Article
5 2.33, Code of Criminal Procedure, as added by this Act.

6 (c) Section 9.51, Penal Code, as amended by this Act,
7 applies only to use of force that occurs on or after March 1, 2022.

8 SECTION 33. This Act takes effect September 1, 2021.