

By: Dutton

H.B. No. 579

A BILL TO BE ENTITLED

AN ACT

relating to the administration and deployment of special weapons and tactics teams.

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

SECTION 1. Chapter 1701, Occupations Code, is amended by adding Subchapter P to read as follows:

SUBCHAPTER P. SPECIAL WEAPONS AND TACTICS TEAMS

Sec. 1701.751. DEFINITIONS. In this subchapter:

(1) "Body worn camera" has the meaning assigned by Section 1701.651.

(2) "Special weapons and tactics team" or "SWAT team" means a designated team of law enforcement officers who are specifically trained and equipped to work as a coordinated team to respond to critical incidents, including barricaded suspects, snipers, terrorist acts, the taking of hostages, and other high-risk incidents. The term applies regardless of the name the law enforcement agency gives to the team.

Sec. 1701.752. PROVISION OF BODY WORN CAMERAS TO SWAT TEAMS. (a) A law enforcement agency may not create or administer a SWAT team unless:

(1) each law enforcement officer on that team is equipped with a body worn camera; and

(2) the law enforcement agency establishes policies and procedures to ensure that body worn cameras:

1                   (A) are activated and recording during all team  
2 action; and

3                   (B) continue recording until:

4                   (i) all suspects present at the scene have  
5 been arrested or released from custody; or

6                   (ii) all law enforcement personnel have  
7 left the premises.

8                   (b) Body worn camera video is subject to requirements  
9 provided by or adopted pursuant to Sections 1701.655 and 1701.755.

10                   Sec. 1701.753. STANDARDS FOR DEPLOYMENT OF SWAT TEAMS. (a)  
11 A law enforcement agency administering a SWAT team shall adopt a  
12 policy designed to limit the deployment of that team to situations  
13 involving an imminent threat of serious bodily injury to law  
14 enforcement officers or the public.

15                   (b) The decision to deploy a SWAT team must be based on  
16 consideration of:

17                   (1) any available evidence indicating an imminent  
18 threat to a person or officer; and

19                   (2) whether conditions are such that the suspect  
20 cannot reasonably be apprehended using routine methods.

21                   (c) The existence of a legally owned firearm in the home of  
22 an individual does not in itself constitute evidence of an imminent  
23 threat.

24                   (d) When a SWAT team is deployed for a planned warrant  
25 service or for an incident not involving ongoing violence:

26                   (1) the basis for believing an imminent threat exists  
27 must be reviewed and approved by a supervisor at the level of

1 captain or above before the deployment occurs; and

2 (2) the supervisor described by Subdivision (1) must  
3 provide in advance of the deployment written justification for any  
4 execution of a warrant after sunset and before sunrise.

5 Sec. 1701.754. REPORTS REQUIRED FOR SWAT TEAM DEPLOYMENTS.

6 (a) Each law enforcement agency administering a SWAT team shall  
7 annually report information about team deployments and training to  
8 the agency's local governing body.

9 (b) The commission by rule shall create:

10 (1) a training curriculum and standards for  
11 certification as a SWAT team member;

12 (2) continuing education requirements for SWAT team  
13 certified officers;

14 (3) in-service training requirements to be completed  
15 as a SWAT team; and

16 (4) a form for use by law enforcement agencies for  
17 reporting to the local governing body as required by Subsection  
18 (a).

19 (c) The report to the local governing body under Subsection  
20 (a) must include:

21 (1) each date on which the SWAT team was deployed;

22 (2) the location for each incident involving the  
23 deployment of the SWAT team;

24 (3) the specific reason for the deployment, including  
25 a short description of the evidence of an imminent threat or the  
26 existence of a tip by an undercover or anonymous informant;

27 (4) a listing of military or forcible entry equipment

1 used, if any;

2 (5) if known, the age, gender, and race or ethnicity of  
3 each injured or deceased person involved in the incident;

4 (6) a list of any controlled substances, weapons,  
5 contraband, or other evidence of crime seized from the premises or  
6 from any persons;

7 (7) whether any person used, exhibited, or carried a  
8 deadly weapon during the incident;

9 (8) whether the incident occurred as a result of an  
10 investigation of an offense involving a controlled substance; and

11 (9) the training and education completed by the SWAT  
12 team collectively and for the SWAT team certified officers  
13 individually.

14 Sec. 1701.755. VIDEO OR AUDIO RECORDINGS OF PERSONS INJURED  
15 BY SWAT TEAM. A person who suffers serious bodily injury as a  
16 result of a SWAT team action, or an immediate family member of a  
17 person who suffered serious bodily injury or died as a result of a  
18 SWAT team action, is entitled to receive a copy of any video or  
19 audio recording made by the team and containing footage of the  
20 action. The person or family member must submit a request for the  
21 recording to the law enforcement agency administering the  
22 applicable SWAT team.

23 SECTION 2. The Texas Commission on Law Enforcement shall  
24 adopt the rules required by Section 1701.754, Occupations Code, as  
25 added by this Act, not later than December 1, 2021.

26 SECTION 3. A law enforcement agency that administers a SWAT  
27 team on or after the effective date of this Act is not required to

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1 comply with Subchapter P, Chapter 1701, Occupations Code, as added  
2 by this Act, before March 1, 2022.

3 SECTION 4. This Act takes effect September 1, 2021.