

By: González of El Paso, Hunter, et al.

H.B. No. 1837

Substitute the following for H.B. No. 1837:

By: Davis

C.S.H.B. No. 1837

A BILL TO BE ENTITLED

AN ACT

relating to motorcycle profiling by peace officers.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1315 to read as follows:

Art. 2.1315. MOTORCYCLE PROFILING PROHIBITED. (a) In this article:

(1) "Law enforcement agency" and "motor vehicle stop" have the meanings assigned by Article 2.132.

(2) "Motorcycle profiling" means a law enforcement-initiated action based wholly or partly 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. The term includes a motor vehicle stop that is made with respect to an individual operating a motorcycle and that the peace officer extends beyond the period necessary to effectuate the purpose of the stop.

(b) A peace officer may not engage in motorcycle profiling.

(c) Each law enforcement agency in this state shall adopt a detailed written policy on motorcycle profiling. The policy must:

(1) clearly define acts constituting motorcycle profiling;

(2) strictly prohibit peace officers employed by the

1 agency from engaging in motorcycle profiling;

2 (3) implement a process by which an individual may
3 file a complaint with the agency if the individual believes that a
4 peace officer employed by the agency has engaged in motorcycle
5 profiling with respect to the individual; and

6 (4) require appropriate disciplinary action to be
7 taken against a peace officer employed by the agency who, after an
8 investigation, is shown to have engaged in motorcycle profiling in
9 violation of the agency's policy adopted under this article.

10 SECTION 2. Not later than December 1, 2021, each law
11 enforcement agency in this state shall adopt the policy required by
12 Article 2.1315, Code of Criminal Procedure, as added by this Act.

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