

By: Crockett

H.B. No. 1943

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring law enforcement agencies to adopt policies  
3 prohibiting a peace officer from discharging a firearm at or in the  
4 direction of a moving vehicle; creating a criminal offense.

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

6 SECTION 1. This Act may be cited as the Jordan Edwards Act.

7 SECTION 2. Chapter 2, Code of Criminal Procedure, is  
8 amended by adding Article 2.1397 to read as follows:

9 Art. 2.1397. LIMITATIONS ON DISCHARGE OF FIREARM AT MOVING  
10 VEHICLE; OFFENSE. (a) In this article, "law enforcement agency"  
11 means an agency of the state or an agency of a political subdivision  
12 of the state authorized by law to employ peace officers.

13 (b) A peace officer may not, while performing an official  
14 duty, discharge a firearm at or in the direction of a moving vehicle  
15 unless:

16 (1) if the vehicle is occupied solely by the driver:

17 (A) the peace officer discharges the firearm only  
18 when and to the degree the officer reasonably believes is  
19 immediately necessary to protect the officer or another person from  
20 the use of unlawful deadly force by the driver of the vehicle; and

21 (B) before discharging the firearm, the officer  
22 has exhausted all other reasonable means of mitigating or  
23 preventing the deadly force by the driver or has determined that  
24 other means of mitigating or preventing the deadly force would be

1 inappropriate under the circumstances; or

2 (2) if the vehicle has one or more passengers:

3 (A) the peace officer discharges the firearm only  
4 when and to the degree the officer reasonably believes is  
5 immediately necessary to protect the officer from unlawful deadly  
6 force by the driver of the vehicle by means of the vehicle; and

7 (B) the officer reasonably believes that the  
8 officer is unable to mitigate or prevent the deadly force by the  
9 officer moving out of the path of the vehicle.

10 (c) A law enforcement agency shall adopt a policy regarding  
11 a peace officer's use of force with respect to a moving vehicle that  
12 is consistent with this article.

13 (d) A peace officer commits an offense if the officer  
14 engages in conduct prohibited by Subsection (a) in violation of a  
15 policy adopted under Subsection (c).

16 (e) An offense under this article is a felony of the third  
17 degree.

18 (f) Notwithstanding any other law, conduct prohibited under  
19 Subsection (a) is not justified under Section 9.21, 9.51, or 9.52,  
20 Penal Code.

21 (g) If conduct constituting an offense under Subsection (d)  
22 also constitutes an offense under any other law, the actor may be  
23 prosecuted under that subsection, the other law, or both.

24 SECTION 3. Each law enforcement agency in this state shall  
25 adopt the policy required by Article 2.1397, Code of Criminal  
26 Procedure, as added by this Act, as soon as practicable after the  
27 effective date of this Act.

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