By: Ramos

H.B. No. 2233

A BILL TO BE ENTITLED

1   AN ACT

2 relating to requiring certain law enforcement agencies to implement

3 a policy regarding cite and release for certain criminal offenses.

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

5   SECTION 1. Chapter 14, Code of Criminal Procedure, is

6 amended by adding Article 14.07 to read as follows:

7   Art. 14.07. CITE AND RELEASE POLICY. (a) In this article:

8   (1) "Institutes" means the Bill Blackwood Law

9 Enforcement Management Institute of Texas located at Sam Houston

10 State University and the Caruth Police Institute located at the

11 University of North Texas at Dallas.

12   (2) "Law enforcement agency" means an agency of the

13 state, or of a county, municipality, or other political subdivision

14 of the state, that employs peace officers who make motor vehicle

15 stops or arrests in the routine performance of the officers'

16 official duties.

17   (b) The institutes, in consultation with large, medium, and

18 small law enforcement agencies, including agencies that have

19 implemented written policies to issue citations under Article

20 14.06(b) or (c), the Office of Court Administration of the Texas

21 Judicial System, the Commission on Jail Standards, appropriate

22 organizations engaged in the development of law enforcement policy,

23 and nonprofit or community-based organizations with expertise in

24 issues related to criminal or juvenile justice, shall jointly

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develop, adopt, and disseminate to law enforcement agencies a model

policy and associated training materials regarding the issuance of

citations in lieu of arrest for misdemeanors as permitted by

Article 14.06(b) or (c). The institutes shall provide a reasonable

period for public comment regarding the model policy and associated

training materials before adopting the policy and materials.

(c) The model policy developed under Subsection (b) must be

based on:

(1) credible academic and policy research on the

issuance of citations in lieu of arrest; and

(2) best practices used by law enforcement agencies in

this state and other states that have successfully:

(A) implemented a cite and release policy; and

(B) reduced arrests for misdemeanors for which a

peace officer has statutory authority to issue a citation in lieu of

arrest.

(d) The model policy developed under Subsection (b) must

include the following information:

(1) procedures for issuing a citation for misdemeanors

punishable by a fine only as described by Article 14.06(b) and for

issuing a citation for Class A and B misdemeanors as described by

Article 14.06(c);

(2) a list of any exceptional circumstances under

which an arrest is necessary for a misdemeanor otherwise eligible

for the issuance of a citation in lieu of arrest;

(3) a plan to monitor the implementation of the policy

and compliance with the policy, including collection of necessary

1 data;

2   (4) procedures for providing to a defendant, at the

3 time the citation is issued, information that will maximize the

4 likelihood of the defendant's appearance in court; and

5   (5) any other procedures or best practices supported

6 by credible research or commonly accepted by law enforcement

7 agencies for reducing arrests for misdemeanors for which a peace

8 officer has statutory authority to issue a citation in lieu of

9 arrest.

10   (e) The model policy developed under Subsection (b) must be

11 designed to achieve the following goals:

12   (1) reducing the number of people arrested and booked

13 into county and municipal jails for misdemeanors and avoiding the

14 unnecessary detention of people who are arrested for but not yet

15 convicted of a misdemeanor;

16   (2) maximizing law enforcement efficiency by

17 increasing the issuance of citations in lieu of arrest; and

18   (3) maximizing defendants' appearance rates in court

19 pursuant to a citation.

20   (f) Each law enforcement agency shall adopt, implement, and

21 as necessary amend a detailed written policy regarding the issuance

22 of citations in lieu of arrest for misdemeanors as permitted by

23 Article 14.06(b) or (c). The policy must meet the requirements

24 applicable to the model policy as described by Subsections (c),

25 (d), and (e). A law enforcement agency may adopt the model policy

26 adopted by the institutes under Subsection (b).

27   (g) Not later than December 31 of each odd-numbered year,

1 the institutes shall review the model policy and associated

2 training materials adopted under this article and jointly modify

3 the policy and materials as appropriate.

4   (h) Not later than September 1 of each even-numbered year,

5 each law enforcement agency shall review its policy adopted under

6 this article and modify the policy as appropriate.

7   SECTION 2. (a) Not later than December 31, 2021, the Bill

8 Blackwood Law Enforcement Management Institute of Texas and the

9 Caruth Police Institute shall jointly develop, adopt, and

10 disseminate the model policy and associated training materials

11 required under Article 14.07(b), Code of Criminal Procedure, as

12 added by this Act.

13   (b) Not later than May 1, 2022, each law enforcement agency

14 as defined by Article 14.07(a)(2), Code of Criminal Procedure, as

15 added by this Act, shall adopt a policy as required by Article

16 14.07(f), Code of Criminal Procedure, as added by this Act.

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