

1-1 By: Miles S.B. No. 68
1-2 (In the Senate - Filed November 9, 2020; March 3, 2021, read
1-3 first time and referred to Committee on Jurisprudence;
1-4 April 19, 2021, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 19, 2021,
1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	Huffman	X		
1-10	Hinojosa	X		
1-11	Creighton	X		
1-12	Hughes	X		
1-13	Johnson	X		

1-14 COMMITTEE SUBSTITUTE FOR S.B. No. 68 By: Huffman

1-15 A BILL TO BE ENTITLED
1-16 AN ACT

1-17 relating to a duty for peace officers to intervene and make a report
1-18 when a peace officer uses excessive force.

1-19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-20 SECTION 1. Chapter 2, Code of Criminal Procedure, is
1-21 amended by adding Article 2.1387 to read as follows:

1-22 Art. 2.1387. INTERVENTION REQUIRED FOR EXCESSIVE FORCE;
1-23 REPORT REQUIRED. (a) A peace officer has a duty to intervene to
1-24 stop or prevent another peace officer from using force against a
1-25 person suspected of committing an offense if:

1-26 (1) the amount of force exceeds that which is
1-27 reasonable under the circumstances; and

1-28 (2) the officer knows or should know that the other
1-29 officer's use of force:

1-30 (A) violates state or federal law;

1-31 (B) puts a person at risk of bodily injury, as
1-32 that term is defined by Section 1.07, Penal Code, and is not
1-33 immediately necessary to avoid imminent bodily injury to a peace
1-34 officer or other person; and

1-35 (C) is not required to apprehend the person
1-36 suspected of committing an offense.

1-37 (b) A peace officer who witnesses the use of excessive force
1-38 by another peace officer shall promptly make a detailed report of
1-39 the incident and deliver the report to the supervisor of the peace
1-40 officer making the report.

1-41 SECTION 2. This Act takes effect September 1, 2021.

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