

By: Miles

S.B. No. 72

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to requiring law enforcement agencies to adopt a policy  
3 regarding the discharge of a firearm by a peace officer at or in the  
4 direction of a moving vehicle.

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

6 SECTION 1. Chapter 2, Code of Criminal Procedure, is  
7 amended by adding Article 2.1397 to read as follows:

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

12 (b) Each law enforcement agency shall adopt a policy  
13 regarding a peace officer discharging a firearm at or in the  
14 direction of a moving vehicle.

15 (c) A policy adopted under this article must prohibit a  
16 peace officer from discharging a firearm at or in the direction of a  
17 moving vehicle unless 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 an occupant of the vehicle by  
21 means other than by using the moving vehicle to strike any person.

22 SECTION 2. Each law enforcement agency in this state shall  
23 adopt the policy required by Article 2.1397, Code of Criminal  
24 Procedure, as added by this Act, as soon as practicable after the

1 effective date of this Act.

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