

By: West

S.B. No. 1545

A BILL TO BE ENTITLED

AN ACT

relating to the use of force by peace officers and other officer interactions and duties.

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

SECTION 1. This Act shall be known as the Breonna Taylor and Atatiana Jefferson Safe Use of Force Act.

SECTION 2. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.33 and 2.34 to read as follows:

Art. 2.33. LAW ENFORCEMENT POLICY ON USE OF FORCE AND OFFICER INTERACTIONS. (a) In this article, "law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) Each law enforcement agency shall adopt and implement the model policy developed by the Texas Commission on Law Enforcement under Section 1701.165, Occupations Code.

Art. 2.34. DUTIES OF PEACE OFFICER PERFORMING WELFARE CHECK. (a) In this article, "welfare check" means a call for service requesting a peace officer to inquire into the health and safety of a person at the person's residence.

(b) On arriving to the residence of a person who is the subject of a welfare check, the peace officer performing the welfare check shall:

(1) call the telephone number associated with the

1 residence, the person who is the subject of the requested welfare
2 check, or another person who lives at the residence; and

3 (2) document the result of the call.

4 SECTION 3. Subchapter D, Chapter 1701, Occupations Code, is
5 amended by adding Section 1701.165 to read as follows:

6 Sec. 1701.165. MODEL POLICY ON USE OF FORCE AND OTHER
7 OFFICER INTERACTIONS. (a) The commission shall develop and make
8 available to all law enforcement agencies in this state a model
9 policy and associated training materials regarding the use of force
10 by peace officers and other officer interactions. The model policy
11 must:

12 (1) emphasize conflict de-escalation and the use of
13 force in a manner proportionate to the threat posed and to the
14 seriousness of the alleged offense;

15 (2) require a peace officer to intervene if the use of
16 force by another peace officer:

17 (A) violates state or federal law or a policy of
18 any entity served by the other officer;

19 (B) puts any person at risk of bodily injury,
20 unless the officer reasonably believes that the other officer's use
21 of force is immediately necessary to avoid imminent harm to a peace
22 officer or another person; or

23 (C) is not required to apprehend or complete the
24 apprehension of a suspect;

25 (3) require a peace officer to provide aid immediately
26 to any person who needs medical attention, including a person who
27 needs medical attention as a result of the use of force by a peace

1 officer, unless providing the aid puts the officer at risk of bodily
2 injury;

3 (4) prohibit a peace officer from using a choke hold, a
4 carotid artery hold, or any other force against a person in a manner
5 that impedes the normal breathing or circulation of the blood of the
6 person by applying pressure to the person's throat or neck or by
7 blocking the person's nose or mouth, unless the peace officer is
8 engaged in a physical altercation with the person and the use of
9 force is immediately necessary to defend the officer from an
10 imminent threat of bodily injury or death;

11 (5) prohibit a peace officer from discharging a
12 firearm at a moving vehicle, unless:

13 (A) the vehicle is being used as a weapon against
14 the officer or against another person involved in the incident; or

15 (B) an occupant of the vehicle is using or
16 threatening to use deadly force by means other than by means of the
17 vehicle itself against the officer or another person involved in
18 the incident;

19 (6) prohibit the use of deadly force or the use of
20 force to a degree greater than is necessary to protect a person who
21 poses a danger only to the person and not to others, as based on the
22 situation;

23 (7) require the law enforcement agency to provide
24 training to peace officers of the agency on identifying behavior
25 that indicates a person is not a threat to others but is a person
26 with an intellectual disability or experiencing a mental health
27 crisis, a mental illness, or an extreme reaction to a controlled

1 substance;

2 (8) prohibit the use of deadly force that presents a
3 high risk of bodily injury to a bystander against whom the use of
4 force is not justified, unless no lesser degree of force could have
5 eliminated an imminent threat of death or serious bodily injury;

6 (9) require that a peace officer who interacts with a
7 member of the public to make an identification as a peace officer
8 before taking any action within the course and scope of the
9 officer's official duties, unless the identification would render
10 the action impracticable;

11 (10) require that, to the extent practicable, a peace
12 officer issue a warning to a person that force will be used before
13 the officer uses force against the person;

14 (11) prohibit the use of deadly force unless the use of
15 deadly force is immediately necessary to prevent serious bodily
16 injury to or the death of the officer or another;

17 (12) require the law enforcement agency to make
18 available and provide regular training on the use of less lethal
19 weapons to the peace officers of the agency to support the use of
20 de-escalation techniques by the officers, especially for officers
21 who regularly interact with members of the public or who are
22 assigned to duties involving regular interaction with persons with
23 a mental illness or an intellectual disability; and

24 (13) provide guidance on best practices in pursuing a
25 suspect fleeing arrest.

26 (b) In developing the model policy under this section, the
27 commission:

1 (1) shall consult with and solicit input from:

2 (A) the Bill Blackwood Law Enforcement
3 Management Institute of Texas located at Sam Houston State
4 University;

5 (B) the Caruth Police Institute located at the
6 University of North Texas at Dallas; and

7 (C) organizations representing law enforcement
8 administrators, law enforcement officers, prosecutors, criminal
9 defense attorneys, and the public; and

10 (2) may consult with and solicit input from any other
11 interested person the commission determines appropriate.

12 SECTION 4. (a) Not later than January 1, 2022, the Texas
13 Commission on Law Enforcement shall develop and make available the
14 model policy and associated training materials required under
15 Section 1701.165, Occupations Code, as added by this Act.

16 (b) Not later than March 1, 2022, each law enforcement
17 agency in this state shall adopt and implement the model policy
18 required by Article 2.33, Code of Criminal Procedure, as added by
19 this Act.

20 SECTION 5. This Act takes effect September 1, 2021.