

By: Powell

S.B. No. 1848

A BILL TO BE ENTITLED

AN ACT

relating to law enforcement policies for peace officer response to certain family violence offenses.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.33 to read as follows:

Art. 2.33. LAW ENFORCEMENT POLICY FOR PEACE OFFICER RESPONSE TO CERTAIN FAMILY VIOLENCE OFFENSES. (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 in this state shall adopt the model policy developed by the Texas Commission on Law Enforcement under Section 1701.165, Occupations Code, regarding peace officer response to reports of certain offenses involving family violence.

SECTION 2. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.165 to read as follows:

Sec. 1701.165. MODEL POLICY FOR PEACE OFFICER RESPONSE TO CERTAIN FAMILY VIOLENCE OFFENSES. (a) In this section, "family violence" has the meaning assigned by Section 71.004, Family Code.

(b) The commission shall develop and make available to all law enforcement agencies in this state a model policy establishing procedures applicable to a peace officer who responds to a report of

1 an offense involving family violence that was committed in the  
2 physical presence or within the hearing of a child younger than 18  
3 years of age.

4 (c) The model policy must require the responding peace  
5 officer to:

6 (1) document the child's exposure to the family  
7 violence;

8 (2) speak to the child at eye level and explain in an  
9 age-appropriate manner the applicable procedures for investigating  
10 the offense;

11 (3) validate the child's emotional response to the  
12 situation;

13 (4) assist in comforting the child;

14 (5) provide information to the child's parent or other  
15 appropriate caregiver regarding:

16 (A) services available to support the child; and

17 (B) the negative impacts of family violence on a  
18 child; and

19 (6) identify and document any other children in the  
20 family or household.

21 SECTION 3. (a) Not later than December 1, 2021, the Texas  
22 Commission on Law Enforcement shall develop and make available the  
23 model policy required under Section 1701.165, Occupations Code, as  
24 added by this Act.

25 (b) Not later than January 1, 2022, each law enforcement  
26 agency in this state shall adopt the policy required by Article  
27 2.33, Code of Criminal Procedure, as added by this Act.

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