88R1099 AJZ-D

By:  Thompson of Harris H.B. No. 418

A BILL TO BE ENTITLED

AN ACT

relating to the duties and powers of peace officers.

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

SECTION 1.  Article 2.13(b), Code of Criminal Procedure, is amended to read as follows:

(b)  The officer [~~shall~~]:

(1)  may, if authorized [~~in every case authorized by the provisions of this Code~~], interfere without warrant to prevent or suppress crime;

(2)  shall execute all lawful process issued to the officer by any magistrate or court;

(3)  shall give notice to some magistrate of all offenses committed within the officer's jurisdiction, if [~~where~~] the officer has probable cause [~~good reason~~] to believe there has been a violation of the penal law; [~~and~~]

(4)  may, if authorized, arrest offenders without warrant so [~~in every case where the officer is authorized by law, in order~~] that they may be taken before the proper magistrate or court and be tried;

(5)  shall make an identification as a peace officer before taking any action within the course and scope of the officer's official duties unless the identification would render the action impracticable; and

(6)  shall intervene to prevent an action by another peace officer if:

(A)  the action includes the use of force in an amount that exceeds that which is reasonable under the circumstances;

(B)  the intervening officer knows or should know that the other officer's action violates department policy or local, state, or federal law; or

(C)  the action puts a person at risk of bodily injury, as that term is defined by Section 1.07, Penal Code, and is not:

(i)  immediately necessary to avoid imminent bodily injury to a peace officer or other person; or

(ii)  required to apprehend a person suspected of committing an offense.

SECTION 2.  This Act takes effect September 1, 2023.