

By: West

S.B. No. 571

A BILL TO BE ENTITLED

AN ACT

relating to interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses, witnesses to the commission of those offenses, and other members of the public, to peace officer liability for those interactions, and to the confinement, conviction, or release of detained or arrested individuals.

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

SECTION 1. This Act shall be known as the George Floyd Law Enforcement Accountability Act.

SECTION 2. Title 6, Civil Practice and Remedies Code, is amended by adding Chapter 135 to read as follows:

CHAPTER 135. PEACE OFFICER LIABILITY FOR DEPRIVATION OF CERTAIN RIGHTS, PRIVILEGES, OR IMMUNITIES

Sec. 135.0001. DEFINITIONS. In this chapter:

(1) "Peace officer" has the meaning assigned by Article 2.12, Code of Criminal Procedure.

(2) "Public entity" means:

(A) this state;

(B) a political subdivision of this state, including a municipality or county; and

(C) any other governmental agency whose authority is derived from the laws or constitution of this state.

Sec. 135.0002. PEACE OFFICER LIABILITY FOR DEPRIVATION OF

1 RIGHTS, PRIVILEGES, OR IMMUNITIES UNDER COLOR OF LAW. (a) A person
2 may bring an action for any appropriate relief, including legal or
3 equitable relief, against a peace officer who, under the color of
4 law, deprived the person of or caused the person to be deprived of a
5 right, privilege, or immunity secured by the Texas Constitution.

6 (b) A person must bring an action under this chapter not
7 later than two years after the date the cause of action accrues.

8 Sec. 135.0003. APPLICABILITY OF OTHER LAW; PROHIBITED
9 DEFENSES. (a) Notwithstanding any other law, a statutory immunity
10 or limitation on liability, damages, or attorney's fees does not
11 apply to an action brought under this chapter.

12 (b) Notwithstanding any other law, qualified immunity or a
13 defendant's good faith but erroneous belief in the lawfulness of
14 the defendant's conduct is not a defense to an action brought under
15 this chapter.

16 Sec. 135.0004. ATTORNEY'S FEES AND COSTS. (a) In an action
17 brought under this chapter, a court shall award reasonable
18 attorney's fees and costs to a prevailing plaintiff.

19 (b) In an action brought under this chapter, if a judgment
20 is entered in favor of a defendant, the court may award reasonable
21 attorney's fees and costs to the defendant only for defending
22 claims the court finds frivolous.

23 Sec. 135.0005. INDEMNIFICATION REQUIRED; EXCEPTION. (a)
24 Notwithstanding any other law and except as provided by Subsection
25 (b), a public entity shall indemnify a peace officer employed by the
26 entity for liability incurred by and a judgment imposed against the
27 officer in an action brought under this chapter.

1 (b) A public entity is not required to indemnify a peace
2 officer employed by the entity under Subsection (a) if the officer
3 was convicted of a criminal violation for the conduct that is the
4 basis for the action brought under this chapter.

5 SECTION 3. Article 2.13(b), Code of Criminal Procedure, is
6 amended to read as follows:

7 (b) The officer ~~[shall]~~:

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

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

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

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

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

25 (6) shall intervene if the use of force by another
26 peace officer:

27 (A) violates state or federal law or a policy of

any entity served by the other officer;

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

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

(7) shall provide aid immediately to any person who needs medical attention, including a person who needs medical attention as a result of the use of force by a peace officer.

SECTION 4. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.1309 and 2.36 to read as follows:

Art. 2.1309. CITE AND RELEASE POLICY. (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) Texas Southern University, in consultation with law enforcement agencies, law enforcement associations, law enforcement training experts, and community organizations engaged in the development of law enforcement policy, shall publish a written model policy regarding the issuance of citations for misdemeanor offenses, including traffic offenses, that are punishable by fine only. The policy must provide a procedure for a peace officer, on a person's presentation of appropriate identification, to verify the person's identity and issue a citation to the person. The policy must comply with Articles 14.01, 14.03, and 14.06 of this code and Sections 543.001 and 543.004,

1 Transportation Code.

2 (c) Each law enforcement agency shall adopt a written policy
3 regarding the issuance of citations for misdemeanor offenses,
4 including traffic offenses, that are punishable by fine only. The
5 policy must meet the requirements for the model policy described by
6 Subsection (b). A law enforcement agency may adopt the model policy
7 published by Texas Southern University under Subsection (b).

8 Art. 2.36. LAW ENFORCEMENT POLICY ON DE-ESCALATION AND
9 PROPORTIONATE RESPONSE. (a) In this article, "law enforcement
10 agency" means an agency of the state or an agency of a political
11 subdivision of the state authorized by law to employ peace
12 officers.

13 (b) Each law enforcement agency shall adopt a detailed
14 written policy regarding the use of force by peace officers. The
15 policy must:

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

19 (2) mandate that deadly force is only to be used by
20 peace officers as a last resort; and

21 (3) affirm the sanctity of human life and the
22 importance of treating all persons with dignity and respect.

23 (c) A law enforcement agency may adopt the model policy
24 developed by the Texas Commission on Law Enforcement under Section
25 1701.165, Occupations Code, or may adopt its own policy.

26 SECTION 5. Article 14.01, Code of Criminal Procedure, is
27 amended by adding Subsection (c) to read as follows:

1 (c) Notwithstanding Subsection (a) or (b), a peace officer
2 or any other person may not, without a warrant, arrest an offender
3 for a misdemeanor punishable by fine only, other than an offense
4 under Section 22.01(a)(2) or (3), Penal Code, or Section 49.02,
5 Penal Code.

6 SECTION 6. Article 14.03, Code of Criminal Procedure, is
7 amended by adding Subsection (i) to read as follows:

8 (i) Notwithstanding Subsection (a), (d), or (g), a peace
9 officer may not, without a warrant, arrest a person who only commits
10 one or more offenses punishable by fine only, other than an offense
11 under Section 22.01(a)(2) or (3), Penal Code, or Section 49.02,
12 Penal Code.

13 SECTION 7. Article 14.06, Code of Criminal Procedure, is
14 amended by amending Subsection (b) and adding Subsection (b-1) to
15 read as follows:

16 (b) A peace officer who is charging a person, including a
17 child, with committing an offense that is a ~~[Class C]~~ misdemeanor
18 punishable by fine only, other than an offense under Section 49.02,
19 Penal Code, shall ~~may~~, instead of taking the person before a
20 magistrate, issue a citation to the person that contains:

21 (1) written notice of the time and place the person
22 must appear before a magistrate;

23 (2) the name and address of the person charged;

24 (3) the offense charged;

25 (4) information regarding the alternatives to the full
26 payment of any fine or costs assessed against the person, if the
27 person is convicted of the offense and is unable to pay that amount;

1 and

2 (5) the following admonishment, in boldfaced or
3 underlined type or in capital letters:

4 "If you are convicted of a misdemeanor offense involving
5 violence where you are or were a spouse, intimate partner, parent,
6 or guardian of the victim or are or were involved in another,
7 similar relationship with the victim, it may be unlawful for you to
8 possess or purchase a firearm, including a handgun or long gun, or
9 ammunition, pursuant to federal law under 18 U.S.C. Section
10 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any
11 questions whether these laws make it illegal for you to possess or
12 purchase a firearm, you should consult an attorney."

13 (b-1) Notwithstanding Subsection (b), a peace officer who
14 is charging a person, including a child, with committing an offense
15 that is a misdemeanor under Section 22.01(a)(2) or (3), Penal Code,
16 punishable by fine only may, instead of taking the person before a
17 magistrate, issue a citation to the person that contains all of the
18 information required for a citation issued under Subsection (b).

19 SECTION 8. Article 38.141, Code of Criminal Procedure, is
20 amended to read as follows:

21 Art. 38.141. CORROBORATION REQUIRED FOR CERTAIN TESTIMONY
22 RELATING TO COVERT LAW ENFORCEMENT ACTIVITY ~~[OF UNDERCOVER PEACE~~
23 ~~OFFICER OR SPECIAL INVESTIGATOR]~~. (a) A defendant may not be
24 convicted of an offense under Chapter 481, Health and Safety Code,
25 on the testimony of a person who is ~~[not a licensed peace officer or~~
26 ~~a special investigator but who is]~~ acting covertly on behalf of a
27 law enforcement agency or under the color of law enforcement unless

1 the testimony is corroborated by other evidence tending to connect
2 the defendant with the offense committed.

3 (b) Corroboration is not sufficient for the purposes of this
4 article if the corroboration only shows the commission of the
5 offense.

6 ~~[(c) In this article, "peace officer" means a person listed~~
7 ~~in Article 2.12, and "special investigator" means a person listed~~
8 ~~in Article 2.122.]~~

9 SECTION 9. Subchapter B, Chapter 142, Local Government
10 Code, is amended by adding Section 142.0605 to read as follows:

11 Sec. 142.0605. PROGRESSIVE DISCIPLINARY MATRIX. (a) A
12 public employer shall implement a progressive disciplinary matrix,
13 as described by Section 143.0511, for municipal police officers if
14 the municipality has not adopted Chapter 143.

15 (b) The public employer shall adopt rules necessary to
16 implement the progressive disciplinary matrix.

17 SECTION 10. Section 142.067, Local Government Code, is
18 amended to read as follows:

19 Sec. 142.067. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

20 (a) Except as provided by Subsection (b), a [A] written meet and
21 confer agreement ratified under this subchapter preempts, during
22 the term of the agreement and to the extent of any conflict, all
23 contrary state statutes, local ordinances, executive orders, civil
24 service provisions, or rules adopted by the head of the law
25 enforcement agency or municipality or by a division or agent of the
26 municipality, such as a personnel board or a civil service
27 commission.

1 (b) An agreement under this subchapter:

2 (1) must implement the progressive disciplinary
3 matrix established under Section 142.0605 or 143.0511; and

4 (2) may not conflict with and does not supersede a
5 statute, ordinance, order, civil service provision, or rule
6 concerning the disciplinary actions that may be imposed on a police
7 officer under the progressive disciplinary matrix.

8 SECTION 11. Section 143.003, Local Government Code, is
9 amended by adding Subdivision (6) to read as follows:

10 (6) "Progressive disciplinary matrix" means a formal
11 schedule for disciplinary actions that may be taken against a
12 police officer as described by Section 143.0511.

13 SECTION 12. Section 143.008, Local Government Code, is
14 amended by amending Subsection (c) and adding Subsection (c-1) to
15 read as follows:

16 (c) The commission shall adopt rules that prescribe cause
17 for removal or suspension of a fire fighter [~~or police officer~~]. The
18 rules must comply with the grounds for removal prescribed by
19 Section 143.051.

20 (c-1) The commission shall adopt rules that prescribe the
21 disciplinary actions that may be taken against a police officer
22 under a progressive disciplinary matrix.

23 SECTION 13. Subchapter D, Chapter 143, Local Government
24 Code, is amended by adding Section 143.0511 to read as follows:

25 Sec. 143.0511. PROGRESSIVE DISCIPLINARY MATRIX. (a) The
26 commission shall implement a progressive disciplinary matrix for
27 infractions committed by police officers that consists of a range

1 of progressive disciplinary actions applied in a standardized way
2 based on the nature of the infraction and the officer's prior
3 conduct record, including removal, suspension, change of duty or
4 assignment, demotion, deduction of points from a promotional
5 examination grade, retraining, a written warning, or a written
6 reprimand.

7 **(b) The progressive disciplinary matrix must include:**

8 **(1) standards for disciplinary actions relating to the**
9 use of force against another person, including the failure to
10 de-escalate force incidents in accordance with departmental
11 policy;

12 **(2) standards for evaluating the level of discipline**
13 appropriate for uncommon infractions; and

14 **(3) presumptive actions to be taken for each type of**
15 infraction and any adjustment to be made based on a police officer's
16 previous disciplinary record.

17 SECTION 14. Section [143.057](#), Local Government Code, is
18 amended by amending Subsection (a) and adding Subsection (b-1) to
19 read as follows:

20 (a) In addition to the other notice requirements prescribed
21 by this chapter, the written notice for a promotional bypass or the
22 letter of disciplinary action, as applicable, issued to a fire
23 fighter or police officer must state that in an appeal of an
24 indefinite suspension, a suspension, a promotional bypass, ~~or~~ a
25 recommended demotion, or, if issued to a police officer, any other
26 disciplinary sanction, the appealing fire fighter or police officer
27 may elect to appeal to an independent third party hearing examiner

1 instead of to the commission. The letter must also state that if the
2 fire fighter or police officer elects to appeal to a hearing
3 examiner, the person waives all rights to appeal to a district court
4 except as provided by Subsection (j).

5 (b-1) A hearing examiner must presume a disciplinary action
6 applied to a police officer under a progressive disciplinary matrix
7 is reasonable unless the facts indicate that the department
8 inappropriately applied a category of offense to the particular
9 violation.

10 SECTION 15. Section 143.307, Local Government Code, is
11 amended by amending Subsections (a) and (b) and adding Subsection
12 (d) to read as follows:

13 (a) Except as provided by Subsection (d), an [An] agreement
14 under this subchapter supersedes a previous statute concerning
15 wages, salaries, rates of pay, hours of work, or other terms and
16 conditions of employment to the extent of any conflict with the
17 statute.

18 (b) Except as provided by Subsection (d), an [An] agreement
19 under this subchapter preempts any contrary statute, executive
20 order, local ordinance, or rule adopted by the state or a political
21 subdivision or agent of the state, including a personnel board, a
22 civil service commission, or a home-rule municipality.

23 (d) An agreement under this subchapter affecting police
24 officers:

25 (1) must implement the progressive disciplinary
26 matrix established under Section 143.0511; and

27 (2) may not conflict with and does not supersede a

1 statute, order, ordinance, or rule concerning the disciplinary
2 actions that may be imposed on a police officer under the
3 progressive disciplinary matrix.

4 SECTION 16. Section 143.361, Local Government Code, is
5 amended by amending Subsections (a) and (b) and adding Subsection
6 (d) to read as follows:

7 (a) Except as provided by Subsection (d), a [A] written
8 agreement ratified under this subchapter between a public employer
9 and the bargaining agent supersedes a previous statute concerning
10 wages, salaries, rates of pay, hours of work, and other terms of
11 employment other than pension benefits to the extent of any
12 conflict with the previous statute.

13 (b) Except as provided by Subsection (d), a [A] written
14 agreement ratified under this subchapter preempts all contrary
15 local ordinances, executive orders, legislation, or rules adopted
16 by the state or a political subdivision or agent of the state, such
17 as a personnel board, a civil service commission, or a home-rule
18 municipality.

19 (d) An agreement under this subchapter affecting police
20 officers:

21 (1) must implement the progressive disciplinary
22 matrix established under Section 143.0511; and

23 (2) may not conflict with and does not supersede an
24 ordinance, order, statute, or rule concerning the disciplinary
25 actions that may be imposed on a police officer under the
26 progressive disciplinary matrix.

27 SECTION 17. Section 174.005, Local Government Code, is

1 amended to read as follows:

2 Sec. 174.005. PREEMPTION OF OTHER LAW. (a) Except as
3 provided by Subsection (b), this [This] chapter preempts all
4 contrary local ordinances, executive orders, legislation, or rules
5 adopted by the state or by a political subdivision or agent of the
6 state, including a personnel board, civil service commission, or
7 home-rule municipality.

8 (b) This chapter does not authorize the adoption or
9 implementation of an agreement that conflicts with an ordinance,
10 order, statute, or rule concerning the disciplinary actions that
11 may be imposed on municipal police officers under a progressive
12 disciplinary matrix implemented by the municipal public employer.

13 SECTION 18. Subchapter B, Chapter 174, Local Government
14 Code, is amended by adding Section 174.024 to read as follows:

15 Sec. 174.024. PROGRESSIVE DISCIPLINARY MATRIX FOR CERTAIN
16 POLICE OFFICERS. (a) A municipal public employer shall implement a
17 progressive disciplinary matrix, as described by Section 143.0511,
18 for municipal police officers if the municipality has not adopted
19 Chapter 143.

20 (b) The municipal public employer shall adopt rules
21 necessary to implement the progressive disciplinary matrix.

22 SECTION 19. Subchapter D, Chapter 1701, Occupations Code,
23 is amended by adding Section 1701.165 to read as follows:

24 Sec. 1701.165. MODEL POLICY ON USE OF FORCE. (a) The
25 commission shall develop and make available to all law enforcement
26 agencies in this state a model policy and associated training
27 materials regarding the use of force by peace officers. The model

1 policy must:

2 (1) be designed to minimize the number and severity of
3 incidents in which peace officers use force; and

4 (2) be consistent with the requirements of Article
5 2.36(b), Code of Criminal Procedure, and the guiding principles on
6 the use of force issued by the Police Executive Research Forum.

7 (b) In developing a model policy under this section, the
8 commission shall consult with:

9 (1) law enforcement agencies and organizations,
10 including the Police Executive Research Forum and other national
11 experts on police management and training; and

12 (2) community organizations.

13 (c) On request of a law enforcement agency, the commission
14 shall provide the agency with training regarding the model policy
15 developed under Subsection (a).

16 SECTION 20. Sections 9.51(a), (b), (c), and (d), Penal
17 Code, are amended to read as follows:

18 (a) A peace officer, or a person acting in a peace officer's
19 presence and at the officer's ~~[his]~~ direction, is justified in
20 using nonlethal force against another when and to the degree ~~[the~~
21 ~~actor reasonably believes]~~ the force is immediately necessary to
22 make or assist in making an arrest or search, or to prevent or
23 assist in preventing escape after arrest, if:

24 (1) the actor reasonably believes the arrest or search
25 is lawful or, if the arrest or search is made under a warrant, the
26 actor ~~[he]~~ reasonably believes the warrant is valid; ~~[and]~~

27 (2) before using nonlethal force, the actor:

1 (A) manifests the actor's [~~his~~] purpose to arrest
2 or search and identifies the actor [~~himself~~] as a peace officer or
3 as a person [~~one~~] acting at a peace officer's direction, unless the
4 actor [~~he~~] reasonably believes the actor's [~~his~~] purpose and
5 identity are already known by or cannot reasonably be made known to
6 the person for whom the arrest or search is authorized;

7 (B) attempts to de-escalate the situation; and

8 (C) issues a warning that force will be used;

9 (3) the nonlethal force used is proportionate to the
10 threat posed and to the seriousness of the alleged offense;

11 (4) the actor immediately terminates the use of the
12 nonlethal force the moment the person against whom force is used
13 becomes compliant or is subdued; and

14 (5) the use of the nonlethal force does not present a
15 serious risk of injury to any person other than the actor or the
16 person against whom the force is used [~~to be arrested~~].

17 (b) A person who is not [~~other than~~] a peace officer [~~+~~] or
18 [~~one~~] acting at a peace officer's [~~his~~] direction [~~+~~] is justified
19 in using nonlethal force against another when and to the degree [~~the~~
20 ~~actor reasonably believes~~] the force is immediately necessary to
21 make or assist in making a lawful arrest, or to prevent or assist in
22 preventing escape after lawful arrest if:

23 (1) [~~+~~] before using nonlethal force, the actor:

24 (A) manifests the actor's [~~his~~] purpose to arrest
25 and the reason for the arrest or reasonably believes the actor's
26 [~~his~~] purpose and the reason are already known by or cannot
27 reasonably be made known to the person for whom arrest is

1 authorized;

2 (B) attempts to de-escalate the situation; and

3 (C) issues a warning that force will be used;

4 (2) the nonlethal force used is proportionate to the
5 threat posed and to the seriousness of the alleged offense;

6 (3) the actor immediately terminates the use of the
7 nonlethal force the moment the person against whom force is used
8 becomes compliant or is subdued; and

9 (4) the use of the nonlethal force does not present a
10 serious risk of injury to any person other than the actor or the
11 person against whom the force is used ~~[to be arrested]~~.

12 (c) A peace officer is only justified in using deadly force
13 against another when and to the degree ~~[the peace officer~~
14 ~~reasonably believes]~~ the deadly force is immediately necessary to
15 make an arrest, or to prevent escape after arrest, if the use of
16 force would have been justified under Subsection (a) and:

17 ~~(1) [the actor reasonably believes the conduct for~~
18 ~~which arrest is authorized included the use or attempted use of~~
19 ~~deadly force; or~~

20 ~~[(2) the actor reasonably believes there is a~~
21 ~~substantial risk that]~~ the person for whom arrest is authorized
22 poses an imminent threat of ~~[to be arrested will cause]~~ death or
23 serious bodily injury to the actor or another;

24 (2) the deadly force is used only against the person
25 for whom arrest is authorized;

26 (3) the actor immediately terminates the use of deadly
27 force the moment the imminent threat of death or serious bodily

1 injury is eliminated; and

2 (4) no lesser degree of force could have eliminated
3 the imminent threat of death or serious bodily injury [~~if the arrest~~
4 ~~is delayed~~].

5 (d) A person who is not [~~other than~~] a peace officer but is
6 acting in a peace officer's presence and at the officer's [~~his~~]
7 direction is justified in using deadly force against another when
8 and to the degree [~~the person reasonably believes~~] the deadly force
9 is immediately necessary to make a lawful arrest, or to prevent
10 escape after a lawful arrest, if the use of force would have been
11 justified under Subsection (b) and:

12 (1) [~~the actor reasonably believes the felony or~~
13 ~~offense against the public peace for which arrest is authorized~~
14 ~~included the use or attempted use of deadly force; or~~

15 [~~(2) the actor reasonably believes there is a~~
16 ~~substantial risk that~~] the person for whom arrest is authorized
17 poses an imminent threat of [~~to be arrested will cause~~] death or
18 serious bodily injury to another;

19 (2) the deadly force is used only against the person
20 for whom arrest is authorized;

21 (3) the actor immediately terminates the use of deadly
22 force the moment the imminent threat of death or serious bodily
23 injury is eliminated; and

24 (4) no lesser degree of force could have eliminated
25 the imminent threat of death or serious bodily injury [~~if the arrest~~
26 ~~is delayed~~].

27 SECTION 21. Subchapter E, Chapter 9, Penal Code, is amended

by adding Section 9.515 to read as follows:

Sec. 9.515. PROHIBITED TECHNIQUES. Notwithstanding any other law, the use of nonlethal force or deadly force against a person is not justified under Section 9.51 if the nonlethal force or deadly force is used in a manner that impedes the normal breathing or circulation of the blood of the person by applying pressure to the person's throat or neck or by blocking the person's nose or mouth.

SECTION 22. Section 543.001, Transportation Code, is amended to read as follows:

Sec. 543.001. ARREST WITHOUT WARRANT AUTHORIZED. Any peace officer may arrest without warrant a person found committing a violation of this subtitle, other than a person found only committing one or more misdemeanors punishable by fine only.

SECTION 23. Section 543.004(a), Transportation Code, is amended to read as follows:

(a) An officer shall issue a written notice to appear if:

(1) the offense charged is a misdemeanor under this subtitle that is punishable by fine only[+

~~[(A) speeding,~~

~~[(B) the use of a wireless communication device under Section 545.4251, or~~

~~[(C) a violation of the open container law, Section 49.031, Penal Code]; and~~

(2) the person makes a written promise to appear in court as provided by Section 543.005.

SECTION 24. Section 9.51(e), Penal Code, is repealed.

1 SECTION 25. Chapter 135, Civil Practice and Remedies Code,
2 as added by this Act, applies only to a cause of action that accrues
3 on or after the effective date of this Act.

4 SECTION 26. The changes in law made by this Act to the Local
5 Government Code apply only to a disciplinary action for conduct
6 that occurs on or after March 1, 2024. Conduct that occurs before
7 that date is governed by the law in effect immediately before that
8 date, and the former law is continued in effect for that purpose.

9 SECTION 27. Sections 142.067(b), 143.307(d), 143.361(d),
10 and 174.005(b), Local Government Code, as added by this Act, apply
11 only to an agreement entered into or renewed on or after March 1,
12 2024. An agreement entered into or renewed before March 1, 2024, is
13 governed by the law in effect on the date the agreement was entered
14 into or renewed, and the former law is continued in effect for that
15 purpose.

16 SECTION 28. (a) The Bill Blackwood Law Enforcement
17 Management Institute of Texas shall consult with law enforcement
18 agencies of all sizes, law enforcement associations, law
19 enforcement training experts, and appropriate organizations
20 engaged in the development of law enforcement policy to develop a
21 model progressive disciplinary matrix, as defined by Section
22 143.003(6), Local Government Code, as added by this Act, and
23 associated training materials regarding the application of that
24 matrix. The institute shall provide for a period of public comment
25 before adopting the model progressive disciplinary matrix and
26 training materials.

27 (b) Not later than January 1, 2024, the institute shall

1 adopt and disseminate the model progressive disciplinary matrix and
2 training materials to all law enforcement agencies and civil
3 service commissions in this state.

4 (c) This section expires September 1, 2024.

5 SECTION 29. Articles 14.01(c) and 14.03(i), Code of
6 Criminal Procedure, as added by this Act, Article 14.06, Code of
7 Criminal Procedure, as amended by this Act, Section 9.515, Penal
8 Code, as added by this Act, and Sections 543.001 and 543.004,
9 Transportation Code, as amended by this Act, apply only to an
10 offense committed on or after the effective date of this Act. An
11 offense committed before the effective date of this Act is governed
12 by the law in effect on the date the offense was committed, and the
13 former law is continued in effect for that purpose. For purposes of
14 this section, an offense was committed before the effective date of
15 this Act if any element of the offense occurred before that date.

16 SECTION 30. (a) Not later than January 1, 2024, Texas
17 Southern University shall publish the model policy required by
18 Article 2.1309(b), Code of Criminal Procedure, as added by this
19 Act.

20 (b) Not later than March 1, 2024, each law enforcement
21 agency in this state shall adopt the policy required by Article
22 2.1309(c), Code of Criminal Procedure, as added by this Act.

23 SECTION 31. Article 38.141, Code of Criminal Procedure, as
24 amended by this Act, applies to any case in which a judgment is
25 entered on or after the effective date of this Act. A case in which
26 a judgment is entered before the effective date of this Act is
27 governed by the law in effect on the date the judgment was entered,

1 and the former law is continued in effect for that purpose.

2 SECTION 32. (a) Not later than January 1, 2024, the Texas
3 Commission on Law Enforcement shall develop and make available the
4 model policy and associated training materials required under
5 Section 1701.165, Occupations Code, as added by this Act.

6 (b) Not later than March 1, 2024, each law enforcement
7 agency in this state shall adopt the policy required by Article
8 2.36, Code of Criminal Procedure, as added by this Act.

9 (c) Section 9.51, Penal Code, as amended by this Act,
10 applies only to use of force that occurs on or after March 1, 2024.

11 SECTION 33. This Act takes effect September 1, 2023.