

By: Thompson

H.B. No. 909

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to law enforcement misconduct and law enforcement  
3 interactions with certain detained or arrested individuals and  
4 other members of the public, to public entity liability for those  
5 interactions, and to the confinement, conviction, or release of  
6 detained or arrested individuals.

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

8 SECTION 1. This Act shall be known as the George Floyd Act.

9 SECTION 2. Title 5, Civil Practice and Remedies Code, is  
10 amended by adding Chapter 118 to read as follows:

11 CHAPTER 118. PUBLIC ENTITY LIABILITY FOR DEPRIVATION OF CERTAIN  
12 RIGHTS, PRIVILEGES, OR IMMUNITIES UNDER COLOR OF LAW

13 Sec. 118.001. DEFINITIONS. In this chapter:

14 (1) "Peace officer" has the meaning assigned by  
15 Article 2A.001, Code of Criminal Procedure.

16 (2) "Public entity" means:

17 (A) this state;

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

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

22 (3) "Respondeat superior" means the common law  
23 doctrine under which an employer is liable for the wrongful acts of  
24 the employer's employee or agent.

1       Sec. 118.002. PUBLIC ENTITY RESPONSIBILITY. (a) For  
2 purposes of this chapter:

3           (1) a public entity is a principal responsible for the  
4 wrongful acts or omissions of the entity's peace officers;

5           (2) a peace officer is an agent of the public entity  
6 that employs the officer; and

7           (3) a public entity is legally responsible for a  
8 wrongful act or omission of the entity's peace officer if the act or  
9 omission occurs under the color of law.

10       (b) This chapter constitutes acceptance by a public entity  
11 employing a peace officer of responsibility under respondeat  
12 superior for the officer's conduct under the color of law,  
13 regardless of whether the officer acted in accordance with a policy  
14 or custom of the entity.

15       Sec. 118.003. DEPRIVATION OF RIGHTS, PRIVILEGES, OR  
16 IMMUNITIES UNDER COLOR OF LAW. (a) An individual may bring an  
17 action for any appropriate relief, including legal or equitable  
18 relief, in a court of this state against a public entity on the  
19 basis that a peace officer under the entity's employment, by an act  
20 or omission under the color of law, deprived the individual of or  
21 caused the individual to be deprived of a right, privilege, or  
22 immunity under the laws or constitution of this state or the United  
23 States.

24       (b) A claimant may recover in an action brought under this  
25 chapter damages resulting from an injury arising from a deprivation  
26 described by Subsection (a).

27       (c) A claimant must bring an action under this chapter not

1 later than two years after the day the cause of action accrues.

2 (d) A claimant bringing an action under this chapter bears  
3 the burden of proving a deprivation of a right, privilege, or  
4 immunity under the laws or constitution of this state or the United  
5 States by a preponderance of the evidence.

6 Sec. 118.004. APPLICABILITY OF OTHER LAW. Notwithstanding  
7 any other law, a statutory immunity or limitation on liability,  
8 damages, or attorney's fees does not apply to an action brought  
9 under this chapter.

10 Sec. 118.005. PROHIBITED DEFENSES. A defendant in an  
11 action brought under this chapter may not assert as a defense or  
12 basis for immunity that:

13 (1) the right, privilege, or immunity under the laws  
14 or constitution of this state or the United States was not clearly  
15 established at the time of the deprivation by the peace officer;

16 (2) based on the state of the law at the time, the  
17 peace officer could not have been expected, reasonably or  
18 otherwise, to know whether the officer's conduct was lawful; or

19 (3) the peace officer acted in good faith or believed,  
20 reasonably or otherwise, that the officer's conduct was lawful at  
21 the time it was committed.

22 Sec. 118.006. JURISDICTION IN STATE COURT. (a) An action  
23 under this chapter arises from the laws of this state.

24 (b) Jurisdiction over an action brought under this chapter  
25 is in the judicial system of this state under the laws of this  
26 state, including the Texas Rules of Civil Procedure.

27 Sec. 118.007. JUDGMENT. (a) A judgment for an action

1 brought under this chapter must be supported by findings of fact and  
2 conclusions of law.

3 (b) A peace officer may not be found financially liable in  
4 an action brought under this chapter for a deprivation of a right,  
5 privilege, or immunity under the laws or constitution of this state  
6 or the United States.

7 Sec. 118.008. ATTORNEY'S FEES AND COSTS. (a) In an action  
8 brought under this chapter, a court shall award reasonable  
9 attorney's fees and costs to a prevailing claimant.

10 (b) Reasonable attorney's fees include fees incurred on an  
11 hourly or contingency basis or by an attorney providing legal  
12 services on a pro bono basis.

13 (c) For purposes of this section, a claimant prevails if the  
14 claimant obtains any relief the claimant seeks in the claimant's  
15 petition, whether the relief is obtained by judgment, settlement,  
16 or the public entity's voluntary change in behavior.

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

21 Sec. 118.009. JOINT AND SEVERAL LIABILITY. A defendant who  
22 is found liable in an action brought under this chapter is jointly  
23 and severally liable for damages, attorney's fees, and costs  
24 awarded by the court.

25 Sec. 118.010. TERMINATION OF CONTRACT, AGREEMENT, OR  
26 EMPLOYMENT. (a) Notwithstanding any other law, contract, or  
27 agreement, a public entity may terminate a contract or agreement

1 with or the employment of a peace officer if the court finds in an  
2 action brought under this chapter that the officer deprived a  
3 claimant of a right, privilege, or immunity under the laws or  
4 constitution of this state or the United States.

5 (b) A public entity's termination of a contract or agreement  
6 with or the employment of a peace officer does not affect the  
7 entity's liability in an action brought under this chapter.

8 Sec. 118.011. PUBLIC DISCLOSURE. All petitions, judgments,  
9 settlements, and consent decrees related to an action brought under  
10 this chapter are public information subject to disclosure under  
11 Chapter 552, Government Code.

12 Sec. 118.012. WAIVER OF SOVEREIGN OR GOVERNMENTAL IMMUNITY.  
13 Sovereign or governmental immunity to suit and from liability is  
14 waived to the extent of liability created by this chapter.

15 SECTION 3. Article 2A.051, Code of Criminal Procedure, is  
16 amended to read as follows:

17 Art. 2A.051. GENERAL POWERS AND DUTIES OF PEACE OFFICERS.  
18 Each peace officer [~~shall~~]:

19 (1) shall preserve the peace within the officer's  
20 jurisdiction using all lawful means;

21 (2) may, if authorized [~~in every case authorized by~~  
22 ~~this code~~], interfere without a warrant to prevent or suppress  
23 crime;

24 (3) shall execute all lawful process issued to the  
25 officer by a magistrate or court;

26 (4) shall give notice to an appropriate magistrate of  
27 all offenses committed in the officer's jurisdiction, if [~~where~~]

1 the officer has probable cause [~~good reason~~] to believe there has  
2 been a violation of the penal law;

3 (5) may, if [~~when~~] authorized [~~by law~~], arrest an  
4 offender without a warrant so the offender may be taken before the  
5 proper magistrate or court and be tried;

6 (6) shall take possession of a child under Article  
7 63.00905(g) [~~63.009(g)~~]; [~~and~~]

8 (7) shall, on a request made by the Texas Civil  
9 Commitment Office, execute an emergency detention order issued by  
10 that office under Section 841.0837, Health and Safety Code;

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

15 (9) shall intervene to prevent an action by another  
16 peace officer if:

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

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

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

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

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

3            SECTION 4. Chapter 2B, Code of Criminal Procedure, is  
4 amended by adding Subchapter E-1 to read as follows:

5                    SUBCHAPTER E-1. CITATIONS AND ARRESTS

6            Art. 2B.0221. DEFINITION. In this subchapter, "law  
7 enforcement agency" means an agency of the state or an agency of a  
8 political subdivision of the state authorized by law to employ  
9 peace officers.

10           Art. 2B.0222. CITE AND RELEASE POLICY. (a) Texas Southern  
11 University, in consultation with law enforcement agencies, law  
12 enforcement associations, law enforcement training experts, and  
13 community organizations engaged in the development of law  
14 enforcement policy, shall publish a written model policy regarding  
15 the issuance of citations for misdemeanor offenses, including  
16 traffic offenses, that are punishable by fine only. The policy must  
17 provide a procedure for a peace officer, on a person's presentation  
18 of appropriate identification, to verify the person's identity and  
19 issue a citation to the person. The policy must comply with  
20 Articles 14.01, 14.03, and 14.06 of this code and Sections 543.001  
21 and 543.004, Transportation Code.

22           (b) Each law enforcement agency shall adopt a written policy  
23 regarding the issuance of citations for misdemeanor offenses,  
24 including traffic offenses, that are punishable by fine only. The  
25 policy must meet the requirements for the model policy described by  
26 Subsection (a). A law enforcement agency may adopt the model policy  
27 published by Texas Southern University under Subsection (a).

1 SECTION 5. Subchapter F, Chapter 2B, Code of Criminal  
2 Procedure, is amended by adding Article 2B.02505 to read as  
3 follows:

4 Art. 2B.02505. DEFINITION. In this subchapter, "law  
5 enforcement agency" has the meaning assigned by Article 2B.0221.

6 SECTION 6. Article 2B.0252, Code of Criminal Procedure, is  
7 amended to read as follows:

8 Art. 2B.0252. USE OF NECK RESTRAINTS DURING SEARCH OR  
9 ARREST PROHIBITED. A peace officer may not intentionally use a  
10 choke hold, carotid artery hold, or similar neck restraint in  
11 searching or arresting a person unless:

12 (1) the restraint is necessary to prevent serious  
13 bodily injury to or the death of the officer or another person; and

14 (2) the officer discontinues the restraint as soon as  
15 the threat of serious bodily injury or death described by  
16 Subdivision (1) has passed.

17 SECTION 7. Subchapter F, Chapter 2B, Code of Criminal  
18 Procedure, is amended by adding Article 2B.0254 to read as follows:

19 Art. 2B.0254. POLICY ON DE-ESCALATION AND PROPORTIONATE  
20 RESPONSE. (a) Texas Southern University shall develop and make  
21 available to all law enforcement agencies in this state a model  
22 policy and associated training materials regarding the use of force  
23 by peace officers. The model policy must be:

24 (1) designed to minimize the number and severity of  
25 incidents in which peace officers use force; and

26 (2) consistent with the requirements of Subsection (d)  
27 and the guiding principles on the use of force issued by the Police

1 Executive Research Forum.

2 (b) In developing a model policy under this section, Texas  
3 Southern University shall consult with:

4 (1) law enforcement agencies and organizations,  
5 including the Police Executive Research Forum and other national  
6 experts on police management and training; and

7 (2) community organizations.

8 (c) On request of a law enforcement agency, Texas Southern  
9 University shall provide the agency with training regarding the  
10 policy developed under Subsection (a).

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

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

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

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

21 (e) A law enforcement agency may adopt the model policy  
22 developed by Texas Southern University under Subsection (a) or may  
23 adopt its own policy.

24 SECTION 8. Article 2B.0301(b), Code of Criminal Procedure,  
25 is amended to read as follows:

26 (b) The peace officer is not required to request emergency  
27 medical services or provide first aid or treatment under Subsection

1 (a) if:

2 (1) making the request or providing the treatment  
3 would expose the officer or another person to a likely risk of  
4 serious bodily injury; or

5 (2) the officer is injured and physically unable to  
6 make the request or provide the treatment.

7 SECTION 9. Article 14.01, Code of Criminal Procedure, is  
8 amended by adding Subsection (c) to read as follows:

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

14 SECTION 10. Article 14.03, Code of Criminal Procedure, is  
15 amended by adding Subsection (i) to read as follows:

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

21 SECTION 11. Article 14.06, Code of Criminal Procedure, is  
22 amended by amending Subsection (b) and adding Subsection (b-1) to  
23 read as follows:

24 (b) A peace officer who is charging a person, including a  
25 child, with committing an offense that is a [~~Class C~~] misdemeanor  
26 punishable by fine only, other than an offense under Section 49.02,  
27 Penal Code, shall [~~may~~], instead of taking the person before a

1 magistrate, issue a citation to the person that contains:

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

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

5 (3) the offense charged;

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

10 (5) the following admonishment, in boldfaced or  
11 underlined type or in capital letters:

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

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

27 SECTION 12. The heading to Article 38.141, Code of Criminal

1 Procedure, is amended to read as follows:

2 Art. 38.141. CORROBORATION REQUIRED FOR CERTAIN TESTIMONY  
3 RELATING TO COVERT LAW ENFORCEMENT ACTIVITY [~~OF UNDERCOVER PEACE~~  
4 ~~OFFICER OR SPECIAL INVESTIGATOR~~].

5 SECTION 13. Article 38.141(a), Code of Criminal Procedure,  
6 is amended to read as follows:

7 (a) A defendant may not be convicted of an offense under  
8 Chapter 481, Health and Safety Code, on the testimony of a person  
9 who is [~~not a licensed peace officer or a special investigator but~~  
10 ~~who is~~] acting covertly on behalf of a law enforcement agency or  
11 under the color of law enforcement unless the testimony is  
12 corroborated by other evidence tending to connect the defendant  
13 with the offense committed.

14 SECTION 14. Subchapter B, Chapter 142, Local Government  
15 Code, is amended by adding Section 142.0605 to read as follows:

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

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

22 SECTION 15. Section 142.067, Local Government Code, is  
23 amended to read as follows:

24 Sec. 142.067. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.

25 (a) Except as provided by Subsection (b), a [A] written meet and  
26 confer agreement ratified under this subchapter preempts, during  
27 the term of the agreement and to the extent of any conflict, all

1 contrary state statutes, local ordinances, executive orders, civil  
2 service provisions, or rules adopted by the head of the law  
3 enforcement agency or municipality or by a division or agent of the  
4 municipality, such as a personnel board or a civil service  
5 commission.

6 (b) An agreement under this subchapter:

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

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

13 SECTION 16. Section 143.003, Local Government Code, is  
14 amended by adding Subdivision (6) to read as follows:

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

18 SECTION 17. Section 143.008, Local Government Code, is  
19 amended by amending Subsection (c) and adding Subsection (c-1) to  
20 read as follows:

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

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

1 SECTION 18. Subchapter D, Chapter 143, Local Government  
2 Code, is amended by adding Section 143.0511 to read as follows:

3 Sec. 143.0511. PROGRESSIVE DISCIPLINARY MATRIX. (a) The  
4 commission shall implement a progressive disciplinary matrix for  
5 infractions committed by police officers that consists of a range  
6 of progressive disciplinary actions applied in a standardized way  
7 based on the nature of the infraction and the officer's prior  
8 conduct record, including removal, suspension, change of duty or  
9 assignment, demotion, deduction of points from a promotional  
10 examination grade, retraining, a written warning, or a written  
11 reprimand.

12 (b) The progressive disciplinary matrix must include:

13 (1) standards for disciplinary actions relating to the  
14 use of force against another person, including the failure to  
15 de-escalate force incidents in accordance with departmental  
16 policy;

17 (2) standards for evaluating the level of discipline  
18 appropriate for uncommon infractions; and

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

22 SECTION 19. Section 143.057, Local Government Code, is  
23 amended by amending Subsection (a) and adding Subsection (b-1) to  
24 read as follows:

25 (a) In addition to the other notice requirements prescribed  
26 by this chapter, the written notice for a promotional bypass or the  
27 letter of disciplinary action, as applicable, issued to a fire

1 fighter or police officer must state that in an appeal of an  
2 indefinite suspension, a suspension, a promotional bypass, ~~or~~ a  
3 recommended demotion, or, if issued to a police officer, any other  
4 disciplinary sanction, the appealing fire fighter or police officer  
5 may elect to appeal to an independent third party hearing examiner  
6 instead of to the commission. The letter must also state that if  
7 the fire fighter or police officer elects to appeal to a hearing  
8 examiner, the person waives all rights to appeal to a district court  
9 except as provided by Subsection (j).

10 (b-1) A hearing examiner must presume a disciplinary action  
11 applied to a police officer under a progressive disciplinary matrix  
12 is reasonable unless the facts indicate that the department  
13 inappropriately applied a category of offense to the particular  
14 violation.

15 SECTION 20. Section 143.307, Local Government Code, is  
16 amended by amending Subsections (a) and (b) and adding Subsection  
17 (d) to read as follows:

18 (a) Except as provided by Subsection (d), an ~~An~~ agreement  
19 under this subchapter supersedes a previous statute concerning  
20 wages, salaries, rates of pay, hours of work, or other terms and  
21 conditions of employment to the extent of any conflict with the  
22 statute.

23 (b) Except as provided by Subsection (d), an ~~An~~ agreement  
24 under this subchapter preempts any contrary statute, executive  
25 order, local ordinance, or rule adopted by the state or a political  
26 subdivision or agent of the state, including a personnel board, a  
27 civil service commission, or a home-rule municipality.

1        (d) An agreement under this subchapter affecting police  
2 officers:

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

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

9        SECTION 21. Section 143.361, Local Government Code, is  
10 amended by amending Subsections (a) and (b) and adding Subsection  
11 (d) to read as follows:

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

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

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

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

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

5           SECTION 22. Section 174.005, Local Government Code, is  
6 amended to read as follows:

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

13           (b) An agreement under this chapter may not conflict with an  
14 ordinance, order, statute, or rule concerning the disciplinary  
15 actions that may be imposed on municipal police officers under a  
16 progressive disciplinary matrix implemented by the municipal  
17 public employer.

18           SECTION 23. Section 174.006, Local Government Code, is  
19 amended by amending Subsection (a) and adding Subsection (a-1) to  
20 read as follows:

21           (a) Except as provided by Subsection (a-1), a [~~A~~] state or  
22 local civil service provision prevails over a collective bargaining  
23 contract under this chapter unless the collective bargaining  
24 contract specifically provides otherwise.

25           (a-1) A collective bargaining contract affecting municipal  
26 police officers may not conflict with a state or local civil service  
27 provision implementing a progressive disciplinary matrix under

1 this chapter or other law.

2 SECTION 24. Subchapter B, Chapter 174, Local Government  
3 Code, is amended by adding Section 174.024 to read as follows:

4 Sec. 174.024. PROGRESSIVE DISCIPLINARY MATRIX FOR CERTAIN  
5 POLICE OFFICERS. (a) A municipal public employer shall implement a  
6 progressive disciplinary matrix, as described by Section 143.0511,  
7 for municipal police officers if the municipality has not adopted  
8 Chapter 143.

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

11 SECTION 25. Section 1701.2551(b), Occupations Code, is  
12 amended to read as follows:

13 (b) The basic peace officer training course must include  
14 training on:

15 (1) the prohibition against the intentional use of a  
16 choke hold, carotid artery hold, or similar neck restraint during a  
17 search or arrest by a peace officer as prescribed by Article  
18 2B.0252, Code of Criminal Procedure [~~in searching or arresting a~~  
19 ~~person, unless the officer reasonably believes the restraint is~~  
20 ~~necessary to prevent serious bodily injury to or the death of the~~  
21 ~~peace officer or another person];~~

22 (2) the duty of a peace officer to intervene to stop or  
23 prevent another peace officer from using force against a person  
24 suspected of committing an offense if:

25 (A) the amount of force exceeds that which is  
26 reasonable under the circumstances; and

27 (B) the officer knows or should know that the

1 other officer's use of force:

2 (i) violates state or federal law;

3 (ii) puts a person at risk of bodily injury,  
4 as that term is defined by Section 1.07, Penal Code, and is not  
5 immediately necessary to avoid imminent bodily injury to a peace  
6 officer or other person; and

7 (iii) is not required to apprehend the  
8 person suspected of committing an offense; and

9 (3) the duty of a peace officer ~~[who encounters an~~  
10 ~~injured person while discharging the officer's official duties]~~ to  
11 ~~[immediately and as necessary]~~ request ~~[emergency medical services~~  
12 ~~personnel to provide the person with emergency medical services]~~  
13 and render ~~[, while waiting for emergency medical services~~  
14 ~~personnel to arrive, provide first]~~ aid for an injured ~~[or~~  
15 ~~treatment to the]~~ person as prescribed by Article 2B.0301, Code of  
16 Criminal Procedure ~~[to the extent of the officer's skills and~~  
17 ~~training, unless the request for emergency medical services~~  
18 ~~personnel or the provision of first aid or treatment would expose~~  
19 ~~the officer or another person to a risk of bodily injury or the~~  
20 ~~officer is injured and physically unable to make the request or~~  
21 ~~provide the treatment].~~

22 SECTION 26. Section 1701.269(b), Occupations Code, is  
23 amended to read as follows:

24 (b) The model training curriculum and model policies  
25 developed under Subsection (a) must include curriculum and policies  
26 regarding:

27 (1) the prohibition against the intentional

1 ~~[curriculum and policies for banning the]~~ use of a choke hold,  
2 carotid artery hold, or similar neck restraint during a search or  
3 arrest by a peace officer as prescribed by Article 2B.0252, Code of  
4 Criminal Procedure ~~[in searching or arresting a person, unless the~~  
5 ~~officer reasonably believes the restraint is necessary to prevent~~  
6 ~~serious bodily injury to or the death of the peace officer or~~  
7 ~~another person]~~;

8 (2) ~~[curriculum and policies regarding]~~ the duty of a  
9 peace officer to intervene to stop or prevent another peace officer  
10 from using force against a person suspected of committing an  
11 offense if:

12 (A) the amount of force exceeds that which is  
13 reasonable under the circumstances; and

14 (B) the officer knows or should know that the  
15 other officer's use of force:

16 (i) violates state or federal law;

17 (ii) puts a person at risk of bodily injury,  
18 as that term is defined by Section 1.07, Penal Code, and is not  
19 immediately necessary to avoid imminent bodily injury to a peace  
20 officer or other person; and

21 (iii) is not required to apprehend the  
22 person suspected of committing an offense; and

23 (3) ~~[curriculum and policies regarding]~~ the duty of a  
24 peace officer ~~[who encounters an injured person while discharging~~  
25 ~~the officer's official duties]~~ to ~~[immediately and as necessary]~~  
26 request ~~[emergency medical services personnel to provide the person~~  
27 ~~with emergency medical services]~~ and render ~~[, while waiting for~~

1 ~~emergency medical services personnel to arrive, provide first]~~ aid  
2 for an injured ~~[or treatment to the]~~ person as prescribed by Article  
3 2B.0301, Code of Criminal Procedure ~~[to the extent of the officer's~~  
4 ~~skills and training, unless the request for emergency medical~~  
5 ~~services personnel or the provision of first aid or treatment would~~  
6 ~~expose the officer or another person to a risk of bodily injury or~~  
7 ~~the officer is injured and physically unable to make the request or~~  
8 ~~provide the treatment].~~

9 SECTION 27. Sections 9.51(a), (b), (c), and (d), Penal  
10 Code, are amended to read as follows:

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

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

20 (2) before using force, the actor:

21 (A) manifests the actor's ~~[his]~~ purpose to arrest  
22 or search and identifies the actor ~~[himself]~~ as a peace officer or  
23 as a person ~~[one]~~ acting at a peace officer's direction, unless the  
24 actor ~~[he]~~ reasonably believes the actor's ~~[his]~~ purpose and  
25 identity are already known by or cannot reasonably be made known to  
26 the person for whom the arrest or search is authorized;

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

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

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

4                    (4) the actor immediately terminates the use of force  
5 the moment the person against whom force is used becomes compliant  
6 or is subdued; and

7                    (5) the use of force does not present a serious risk of  
8 injury to any person other than the actor or the person against whom  
9 the force is used [to be arrested].

10                  (b) A person who is not [~~other than~~] a peace officer [~~(←)~~] or  
11 [~~one~~] acting at a peace officer's [~~his~~] direction [~~(→)~~] is justified  
12 in using nonlethal force against another when and to the degree [~~the~~  
13 ~~actor reasonably believes~~] the force is immediately necessary to  
14 make or assist in making a lawful arrest, or to prevent or assist in  
15 preventing escape after lawful arrest if:

16                    (1) [→] before using force, the actor:

17                    (A) manifests the actor's [~~his~~] purpose to arrest  
18 and the reason for the arrest or reasonably believes the actor's  
19 [~~his~~] purpose and the reason are already known by or cannot  
20 reasonably be made known to the person for whom arrest is  
21 authorized;

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

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

24                    (2) the force used is proportionate to the threat  
25 posed and to the seriousness of the alleged offense;

26                    (3) the actor immediately terminates the use of force  
27 the moment the person against whom force is used becomes compliant

1 or is subdued; and

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

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

10 (1) [~~the actor reasonably believes the conduct for~~  
11 ~~which arrest is authorized included the use or attempted use of~~  
12 ~~deadly force; or~~

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

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

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

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

25 (d) A person who is not [~~other than~~] a peace officer but is  
26 acting in a peace officer's presence and at the officer's [~~his~~]  
27 direction is justified in using deadly force against another when

1 and to the degree [~~the person reasonably believes~~] the deadly force  
2 is immediately necessary to make a lawful arrest, or to prevent  
3 escape after a lawful arrest, if the use of force would have been  
4 justified under Subsection (b) and:

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

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

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

14 (3) the actor immediately terminates the use of deadly  
15 force the moment the imminent threat of death or serious bodily  
16 injury is eliminated; and

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

20 SECTION 28. Subchapter E, Chapter 9, Penal Code, is amended  
21 by adding Section 9.515 to read as follows:

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

1 SECTION 29. Section 543.001, Transportation Code, is  
2 amended to read as follows:

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

7 SECTION 30. Section 543.004(a), Transportation Code, is  
8 amended to read as follows:

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

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

12 [~~(A) speeding,~~

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

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

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

19 SECTION 31. The following laws are repealed:

20 (1) Article 2B.0253(a)(2), Code of Criminal  
21 Procedure;

22 (2) Article 38.141(c), Code of Criminal Procedure; and

23 (3) Section 9.51(e), Penal Code.

24 SECTION 32. Chapter 118, Civil Practice and Remedies Code,  
25 as added by this Act, applies only to a cause of action that accrues  
26 on or after the effective date of this Act.

27 SECTION 33. (a) Not later than January 1, 2026, Texas

1 Southern University shall publish the model policies required by  
2 Articles 2B.0222(a) and 2B.0254(a), Code of Criminal Procedure, as  
3 added by this Act.

4 (b) Not later than March 1, 2026, each law enforcement  
5 agency in this state shall adopt the policies required by Articles  
6 2B.0222(b) and 2B.0254(d), Code of Criminal Procedure, as added by  
7 this Act.

8 SECTION 34. Articles 14.01, 14.03, and 14.06, Code of  
9 Criminal Procedure, as amended by this Act, Section 9.515, Penal  
10 Code, as added by this Act, and Sections 543.001 and 543.004,  
11 Transportation Code, as amended by this Act, apply only to an  
12 offense committed on or after the effective date of this Act. An  
13 offense committed before the effective date of this Act is governed  
14 by the law in effect on the date the offense was committed, and the  
15 former law is continued in effect for that purpose. For purposes of  
16 this section, an offense was committed before the effective date of  
17 this Act if any element of the offense occurred before that date.

18 SECTION 35. Article 38.141, Code of Criminal Procedure, as  
19 amended by this Act, applies to any case in which a judgment is  
20 entered on or after the effective date of this Act. A case in which  
21 a judgment is entered before the effective date of this Act is  
22 governed by the law in effect on the date the judgment was entered,  
23 and the former law is continued in effect for that purpose.

24 SECTION 36. The changes in law made by this Act to the Local  
25 Government Code apply only to a disciplinary action for conduct  
26 that occurs on or after March 1, 2026. Conduct that occurs before  
27 that date is governed by the law in effect immediately before that

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

2 SECTION 37. Sections 142.067(b), 143.307(d), 143.361(d),  
3 174.005(b), and 174.006(a-1), Local Government Code, as added by  
4 this Act, apply only to an agreement entered into or renewed on or  
5 after March 1, 2026. An agreement entered into or renewed before  
6 March 1, 2026, is governed by the law in effect on the date the  
7 agreement was entered into or renewed, and the former law is  
8 continued in effect for that purpose.

9 SECTION 38. (a) The Bill Blackwood Law Enforcement  
10 Management Institute of Texas shall consult with law enforcement  
11 agencies of all sizes, law enforcement associations, law  
12 enforcement training experts, and appropriate organizations  
13 engaged in the development of law enforcement policy to develop a  
14 model progressive disciplinary matrix, as defined by Section  
15 143.003(6), Local Government Code, as added by this Act, and  
16 associated training materials regarding the application of that  
17 matrix. The institute shall provide for a period of public comment  
18 before adopting the model progressive disciplinary matrix and  
19 training materials.

20 (b) Not later than January 1, 2026, the institute shall  
21 adopt and disseminate the model progressive disciplinary matrix and  
22 training materials to all law enforcement agencies and civil  
23 service commissions in this state.

24 (c) This section expires September 1, 2026.

25 SECTION 39. Section 9.51, Penal Code, as amended by this  
26 Act, applies only to use of force that occurs on or after March 1,  
27 2026.

1 SECTION 40. This Act takes effect September 1, 2025.