

1-1 By: Johnson of Dallas, et al. H.B. No. 245  
 1-2 (Senate Sponsor - Whitmire)  
 1-3 (In the Senate - Received from the House May 15, 2017;  
 1-4 May 16, 2017, read first time and referred to Committee on Criminal  
 1-5 Justice; May 19, 2017, reported adversely, with favorable  
 1-6 Committee Substitute by the following vote: Yeas 6, Nays 0;  
 1-7 May 19, 2017, sent to printer.)

1-8 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-9				
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14			X	
1-15	X			
1-16	X			
1-17	X			
1-18			X	

1-19 COMMITTEE SUBSTITUTE FOR H.B. No. 245 By: Whitmire

1-20 A BILL TO BE ENTITLED  
 1-21 AN ACT

1-22 relating to certain reporting requirements for law enforcement  
 1-23 agencies and to the creation of a criminal justice web portal by the  
 1-24 office of the attorney general; providing a civil penalty.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Articles 2.139(c) and (e), Code of Criminal  
 1-27 Procedure, as added by Chapter 516 (H.B. 1036), Acts of the 84th  
 1-28 Legislature, Regular Session, 2015, are amended to read as follows:

1-29 (c) Not later than the 30th day after the date of an  
 1-30 officer-involved injury or death, the law enforcement agency  
 1-31 employing an officer involved in the incident must complete and  
 1-32 submit a written or electronic report, using the form created under  
 1-33 Subsection (b), to the office of the attorney general [~~and, if the~~  
 1-34 ~~agency maintains an Internet website, post a copy of the report on~~  
 1-35 ~~the agency's website~~]. The report must include all information  
 1-36 described in Subsection (b).

1-37 (e) Not later than March [~~February~~] 1 of each year, the  
 1-38 office of the attorney general shall submit a report regarding all  
 1-39 officer-involved injuries or deaths that occurred during the  
 1-40 preceding year to the governor and the standing legislative  
 1-41 committees with primary jurisdiction over criminal justice  
 1-42 matters. The report must include:

1-43 (1) the total number of officer-involved injuries or  
 1-44 deaths;

1-45 (2) a summary of the reports submitted to the office  
 1-46 under this article; and

1-47 (3) a copy of each report submitted to the office under  
 1-48 this article.

1-49 SECTION 2. Articles 2.1395(b) and (c), Code of Criminal  
 1-50 Procedure, are amended to read as follows:

1-51 (b) Not later than the 30th day after the date of the  
 1-52 occurrence of an incident described by Subsection (a), the law  
 1-53 enforcement agency employing the injured or deceased officer at the  
 1-54 time of the incident must complete and submit a written or  
 1-55 electronic report, using the form created under that subsection, to  
 1-56 the office of the attorney general [~~and, if the agency maintains an~~  
 1-57 ~~Internet website, post a copy of the report on the agency's~~  
 1-58 ~~website~~]. The report must include all information described in  
 1-59 Subsection (a).

1-60 (c) Not later than March [~~February~~] 1 of each year, the

2-1 office of the attorney general shall submit a report regarding all  
2-2 incidents described by Subsection (a) that occurred during the  
2-3 preceding year to the governor and the standing legislative  
2-4 committees with primary jurisdiction over criminal justice  
2-5 matters. The report must include:

- 2-6 (1) the total number of incidents that occurred;  
2-7 (2) a summary of the reports submitted to the office  
2-8 under this article; and  
2-9 (3) a copy of each report submitted to the office under  
2-10 this article.

2-11 SECTION 3. Chapter 2, Code of Criminal Procedure, is  
2-12 amended by adding Article 2.13951 to read as follows:

2-13 Art. 2.13951. NOTICE OF VIOLATION OF REPORTING REQUIREMENTS  
2-14 FOR CERTAIN INJURIES OR DEATHS; CIVIL PENALTY. (a) The office of  
2-15 the attorney general shall conduct an investigation after receiving  
2-16 a written and signed report, on a form prescribed by the office,  
2-17 asserting that a law enforcement agency failed to submit a report  
2-18 required by Article 2.139 or 2.1395. If the office determines that  
2-19 the law enforcement agency failed to submit the report, the office  
2-20 shall provide notice of the failure to the agency. The notice must  
2-21 summarize the applicable reporting requirement and state that the  
2-22 agency may be subject to a civil penalty as provided by Subsection  
2-23 (b) or (c), as applicable.

2-24 (b) Except as provided by Subsection (c), a law enforcement  
2-25 agency that fails to submit the required report on or before the  
2-26 seventh day after the date of receiving notice under Subsection (a)  
2-27 is liable for a civil penalty in the amount of \$1,000 for each day  
2-28 after the seventh day that the agency fails to submit the report.

2-29 (c) Beginning on the day after the date of receiving notice  
2-30 under Subsection (a), a law enforcement agency that, in the  
2-31 five-year period preceding the date the agency received the notice,  
2-32 has been liable for a civil penalty under Subsection (b) or this  
2-33 subsection is liable for a civil penalty for each day the agency  
2-34 fails to submit the required report. The amount of a civil penalty  
2-35 under this subsection is \$10,000 for the first day and \$1,000 for  
2-36 each additional day that the agency fails to submit the report.

2-37 (d) The attorney general may sue to collect a civil penalty  
2-38 under this article.

2-39 (e) A civil penalty collected under this article shall be  
2-40 deposited to the credit of the compensation to victims of crime fund  
2-41 established under Subchapter B, Chapter 56.

2-42 SECTION 4. Subchapter B, Chapter 402, Government Code, is  
2-43 amended by adding Section 402.040 to read as follows:

2-44 Sec. 402.040. CRIMINAL JUSTICE WEB PORTAL. (a) The office  
2-45 of the attorney general shall develop and maintain a web portal to  
2-46 collect, compile, and analyze data related to criminal justice in  
2-47 this state. The office shall ensure that the web portal is  
2-48 accessible through the state electronic Internet portal project.

2-49 (b) The attorney general shall direct each law enforcement  
2-50 agency to submit through the web portal any report required to be  
2-51 submitted by the agency to the office of the attorney general under  
2-52 any law, including information reported under Articles 2.139 and  
2-53 2.1395, Code of Criminal Procedure, but excluding information  
2-54 reported under Chapter 56, Code of Criminal Procedure.

2-55 (c) The web portal must:

2-56 (1) provide access to reports submitted to the office  
2-57 of the attorney general through the web portal, other than reports  
2-58 that are confidential or protected from disclosure under state or  
2-59 federal law; and

2-60 (2) include an interactive dashboard that provides an  
2-61 analysis and a visual representation of the data included in the  
2-62 reports described by Subdivision (1).

2-63 (d) The reports and dashboard required by Subsection (c)  
2-64 must be accessible to the public.

2-65 (e) In developing the web portal, the office of the attorney  
2-66 general may contract or consult with a nonprofit organization that  
2-67 specializes in web-based data analysis.

2-68 SECTION 5. Article 2.139, Code of Criminal Procedure, as  
2-69 added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature,

3-1 Regular Session, 2015, is redesignated as Article 2.1396, Code of  
3-2 Criminal Procedure, to read as follows:

3-3 Art. 2.1396 [~~2.139~~]. VIDEO RECORDINGS OF ARRESTS FOR  
3-4 INTOXICATION OFFENSES. A person stopped or arrested on suspicion  
3-5 of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal  
3-6 Code, is entitled to receive from a law enforcement agency  
3-7 employing the peace officer who made the stop or arrest a copy of  
3-8 any video made by or at the direction of the officer that contains  
3-9 footage of:

- 3-10 (1) the stop;
- 3-11 (2) the arrest;
- 3-12 (3) the conduct of the person stopped during any  
3-13 interaction with the officer, including during the administration  
3-14 of a field sobriety test; or
- 3-15 (4) a procedure in which a specimen of the person's  
3-16 breath or blood is taken.

3-17 SECTION 6. Not later than September 1, 2018, the office of  
3-18 the attorney general shall develop the web portal required under  
3-19 Section 402.040, Government Code, as added by this Act.

3-20 SECTION 7. The changes in law made by this Act to Chapter 2,  
3-21 Code of Criminal Procedure, apply only to a report required to be  
3-22 submitted on or after the effective date of this Act. A report  
3-23 required to be submitted before the effective date of this Act is  
3-24 subject to the law in effect at the time the report was required to  
3-25 be submitted, and the former law is continued in effect for that  
3-26 purpose.

3-27 SECTION 8. To the extent of any conflict, this Act prevails  
3-28 over another Act of the 85th Legislature, Regular Session, 2017,  
3-29 relating to nonsubstantive additions to and corrections in enacted  
3-30 codes.

3-31 SECTION 9. This Act takes effect September 1, 2017.

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