

1-1 By: West S.B. No. 1487
 1-2 (In the Senate - Filed March 8, 2017; March 20, 2017, read
 1-3 first time and referred to Committee on Criminal Justice;
 1-4 April 18, 2017, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 0; April 18, 2017,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
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 COMMITTEE SUBSTITUTE FOR S.B. No. 1487 By: Whitmire

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to preventing racial profiling and video and audio
 1-22 equipment and recordings of certain law enforcement motor vehicle
 1-23 stops; creating an offense.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Article 2.131, Code of Criminal Procedure, is
 1-26 amended to read as follows:

1-27 Art. 2.131. RACIAL PROFILING PROHIBITED. A peace officer
 1-28 may not engage in an act of racial profiling, as defined by the
 1-29 written policy required by Section 1701.702, Occupations Code, and
 1-30 adopted by the law enforcement agency employing the officer.

1-31 SECTION 2. Chapter 1701, Occupations Code, is amended by
 1-32 adding Subchapter O and adding a subchapter heading to read as
 1-33 follows:

1-34 SUBCHAPTER O. RACIAL PROFILING; MOTOR VEHICLE STOPS

1-35 SECTION 3. Articles 2.132, 2.133, 2.134, 2.135, 2.136,
 1-36 2.137, 2.138, and 2.1385, Code of Criminal Procedure, are
 1-37 transferred to Subchapter O, Chapter 1701, Occupations Code, as
 1-38 added by this Act, redesignated as Sections 1701.701, 1701.702,
 1-39 1701.704, 1701.705, 1701.707, 1701.708, 1701.709, 1701.710,
 1-40 1701.711, 1701.712, 1701.713, 1701.714, 1701.715, and 1701.716,
 1-41 Occupations Code, and amended to read as follows:

1-42 Sec. 1701.701. DEFINITIONS. [Art. 2.132. LAW ENFORCEMENT
 1-43 POLICY ON RACIAL PROFILING. (a)] In this subchapter [article]:

1-44 (1) "Department" means the Department of Public
 1-45 Safety.

1-46 (2) "Law enforcement agency" means an agency of the
 1-47 state, or of a county, municipality, or other political subdivision
 1-48 of the state, that employs peace officers who make motor vehicle
 1-49 stops in the routine performance of the officers' official duties.

1-50 (3) ~~[(2)]~~ "Motor vehicle stop" means an occasion in
 1-51 which a peace officer stops a motor vehicle for an alleged violation
 1-52 of a law or ordinance.

1-53 (4) ~~[(3)]~~ "Race or ethnicity" means of a particular
 1-54 descent, including Caucasian, African, Hispanic, Asian, Native
 1-55 American, or Middle Eastern descent.

1-56 Sec. 1701.702. POLICY OF LAW ENFORCEMENT AGENCY ON RACIAL
 1-57 PROFILING. (a) [~~(b)~~] Each law enforcement agency in this state
 1-58 shall adopt a detailed written policy on racial profiling.

1-59 (b) The policy must:

1-60 (1) clearly define acts constituting racial

2-1 profiling;

2-2 (2) strictly prohibit peace officers employed by the

2-3 agency from engaging in racial profiling;

2-4 (3) implement a process by which an individual may

2-5 file a complaint with the agency if the individual believes that a

2-6 peace officer employed by the agency has engaged in racial

2-7 profiling with respect to the individual;

2-8 (4) provide public education relating to the agency's

2-9 complaint process;

2-10 (5) require appropriate corrective action to be taken

2-11 against a peace officer employed by the agency who, after an

2-12 investigation, is shown to have engaged in racial profiling in

2-13 violation of the agency's policy adopted under this article;

2-14 (6) require collection of information relating to

2-15 motor vehicle stops in which a citation is issued and to arrests

2-16 made as a result of those stops, including information relating to:

2-17 (A) the race or ethnicity of the individual

2-18 detained;

2-19 (B) whether a search was conducted and, if so,

2-20 whether the individual detained consented to the search; and

2-21 (C) whether the peace officer knew the race or

2-22 ethnicity of the individual detained before detaining that

2-23 individual; and

2-24 (7) require the chief administrator of the agency,

2-25 regardless of whether the administrator is elected, employed, or

2-26 appointed, to submit an annual report of the information collected

2-27 under Subdivision (6) to:

2-28 (A) the commission [~~Texas Commission on Law~~

2-29 ~~Enforcement~~]; and

2-30 (B) the governing body of each county or

2-31 municipality served by the agency, if the agency is an agency of a

2-32 county, municipality, or other political subdivision of the state.

2-33 (c) The data collected as a result of the reporting

2-34 requirements of this subchapter does [~~article shall~~] not constitute

2-35 prima facie evidence of racial profiling.

2-36 Sec. 1701.704. VIDEO AND AUDIO EQUIPMENT FOR LAW

2-37 ENFORCEMENT MOTOR VEHICLES AND MOTORCYCLES. [~~(a)~~] On adoption of

2-38 a policy regarding racial profiling under Section 1701.702

2-39 [~~Subsection (b)~~], a law enforcement agency shall examine the

2-40 feasibility of installing video camera and transmitter-activated

2-41 audio equipment in each agency law enforcement motor vehicle

2-42 regularly used to make motor vehicle stops and

2-43 transmitter-activated audio equipment in each agency law

2-44 enforcement motorcycle regularly used to make motor vehicle stops.

2-45 Sec. 1701.705. POLICY FOR USE OF VIDEO AND AUDIO EQUIPMENT.

2-46 (a) If a law enforcement agency installs video or audio equipment

2-47 as provided by Section 1701.704 [~~this subsection~~], the law

2-48 enforcement agency shall adopt a policy for the use of the

2-49 equipment.

2-50 (b) A policy adopted by an [~~the~~] agency under this section

2-51 [~~Subsection (b)~~] must include:

2-52 (1) guidelines for when a peace officer should

2-53 activate the equipment or discontinue a recording currently in

2-54 progress;

2-55 (2) provisions relating to data retention, including a

2-56 provision requiring the retention of [~~standards for reviewing~~]

2-57 video and audio recordings for a minimum period of 90 days;

2-58 (3) provisions relating to storage of video and audio

2-59 recordings, creation of backup copies of the recordings, and

2-60 maintenance of data security;

2-61 (4) guidelines for public access, through open records

2-62 requests, to recordings that are public information;

2-63 (5) procedures for supervisory or internal review; and

2-64 (6) the handling and documenting of equipment and

2-65 malfunctions of equipment [~~documentation~~].

2-66 (c) A policy adopted under this section must be consistent

2-67 with the Federal Rules of Evidence and Texas Rules of Evidence.

2-68 Sec. 1701.707. INVESTIGATION OF COMPLAINT; USE OF

2-69 RECORDING. [~~(c) A report required under Subsection (b)(7) may not~~

3-1 ~~include identifying information about a peace officer who makes a~~
3-2 ~~motor vehicle stop or about an individual who is stopped or arrested~~
3-3 ~~by a peace officer. This subsection does not affect the collection~~
3-4 ~~of information as required by a policy under Subsection (b)(6).~~

3-5 ~~[(f)]~~ On the commencement of an investigation by a law
3-6 enforcement agency of a complaint described by Section
3-7 1701.702(b)(3) ~~[Subsection (b)(3)]~~ in which a video or audio
3-8 recording of the occurrence on which the complaint is based was
3-9 made, the agency shall promptly provide a copy of the recording to
3-10 the peace officer who is the subject of the complaint on written
3-11 request by the officer.

3-12 ~~[(g) On a finding by the Texas Commission on Law Enforcement~~
3-13 ~~that the chief administrator of a law enforcement agency~~
3-14 ~~intentionally failed to submit a report required under Subsection~~
3-15 ~~(b)(7), the commission shall begin disciplinary procedures against~~
3-16 ~~the chief administrator.]~~

3-17 Sec. 1701.708 [Art. 2.133]. REPORTS REQUIRED FOR MOTOR
3-18 VEHICLE STOPS. ~~[(a) In this article, "race or ethnicity" has the~~
3-19 ~~meaning assigned by Article 2.132(a).~~

3-20 ~~[(b)]~~ A peace officer who stops a motor vehicle for an
3-21 alleged violation of a law or ordinance shall report to the law
3-22 enforcement agency that employs the officer information relating to
3-23 the stop, including:

3-24 (1) a physical description of any person operating the
3-25 motor vehicle who is detained as a result of the stop, including:

3-26 (A) the person's gender; and
3-27 (B) the person's race or ethnicity, as stated by
3-28 the person or, if the person does not state the person's race or
3-29 ethnicity, as determined by the officer to the best of the officer's
3-30 ability;

3-31 (2) the initial reason for the stop;
3-32 (3) whether the officer conducted a search as a result
3-33 of the stop and, if so, whether the person detained consented to the
3-34 search;

3-35 (4) whether any contraband or other evidence was
3-36 discovered in the course of the search and a description of the
3-37 contraband or evidence;

3-38 (5) the reason for the search, including whether:
3-39 (A) any contraband or other evidence was in plain
3-40 view;

3-41 (B) any probable cause or reasonable suspicion
3-42 existed to perform the search; or

3-43 (C) the search was performed as a result of the
3-44 towing of the motor vehicle or the arrest of any person in the motor
3-45 vehicle;

3-46 (6) whether the officer made an arrest as a result of
3-47 the stop or the search, including a statement of whether the arrest
3-48 was based on a violation of the Penal Code, a violation of a traffic
3-49 law or ordinance, or an outstanding warrant and a statement of the
3-50 offense charged;

3-51 (7) the street address or approximate location of the
3-52 stop; and

3-53 (8) whether the officer issued a written warning or a
3-54 citation as a result of the stop.

3-55 Sec. 1701.709 [Art. 2.134]. COMPILATION AND ANALYSIS OF
3-56 INFORMATION COLLECTED. (a) ~~[In this article:~~

3-57 ~~(1) "Motor vehicle stop" has the meaning assigned by~~
3-58 ~~Article 2.132(a).~~

3-59 ~~(2) "Race or ethnicity" has the meaning assigned by~~
3-60 ~~Article 2.132(a).~~

3-61 ~~[(b)]~~ A law enforcement agency shall compile and analyze the
3-62 information contained in each report received by the agency under
3-63 Section 1701.708 [Article 2.133].

3-64 (b) Not later than March 1 of each year, each law
3-65 enforcement agency shall submit a report containing the
3-66 incident-based data compiled during the previous calendar year to
3-67 the commission ~~[Texas Commission on Law Enforcement]~~ and, if the
3-68 law enforcement agency is a local law enforcement agency, to the
3-69 governing body of each county or municipality served by the agency.

4-1 (c) A report required under Subsection (b) must be submitted
4-2 by the chief administrator of the law enforcement agency,
4-3 regardless of whether the administrator is elected, employed, or
4-4 appointed, and must include:

4-5 (1) a comparative analysis of the information compiled
4-6 under Section 1701.708 [Article 2.133] to:

4-7 (A) evaluate and compare the number of motor
4-8 vehicle stops, within the applicable jurisdiction, of persons who
4-9 are recognized as racial or ethnic minorities and persons who are
4-10 not recognized as racial or ethnic minorities; and

4-11 (B) examine the disposition of motor vehicle
4-12 stops made by officers employed by the agency, categorized
4-13 according to the race or ethnicity of the affected persons, as
4-14 appropriate, including any searches resulting from stops within the
4-15 applicable jurisdiction; and

4-16 (2) information relating to each complaint filed with
4-17 the agency alleging that a peace officer employed by the agency has
4-18 engaged in racial profiling.

4-19 (d) A report required under Subsection (b) may not include
4-20 identifying information about a peace officer who makes a motor
4-21 vehicle stop or about an individual who is stopped or arrested by a
4-22 peace officer. This subsection does not affect the reporting of
4-23 information required under Section 1701.708(1) [Article
4-24 2.133(b)(1)].

4-25 (e) The commission [Texas Commission on Law Enforcement],
4-26 in accordance with Section 1701.162, [Occupations Code], shall
4-27 develop guidelines for compiling and reporting information as
4-28 required by this section [article].

4-29 (f) The data collected as a result of the reporting
4-30 requirements of this section does [article shall] not constitute
4-31 prima facie evidence of racial profiling.

4-32 Sec. 1701.710. FAILURE TO SUBMIT REPORT; DISCIPLINARY
4-33 PROCEDURES. ~~[(g)]~~ On a finding by the commission [Texas
4-34 Commission on Law Enforcement] that the chief administrator of a
4-35 law enforcement agency intentionally failed to submit a report
4-36 required under Section 1701.702(b)(7) or 1701.709 [Subsection
4-37 (b)], the commission shall begin disciplinary procedures against
4-38 the chief administrator.

4-39 Sec. 1701.711 [Art. 2.135]. PARTIAL REPORTING EXEMPTION
4-40 FOR AGENCIES USING VIDEO AND AUDIO EQUIPMENT. ~~[(a)]~~ A peace
4-41 officer is exempt from the reporting requirement under Section
4-42 1701.708 [Article 2.133] and the chief administrator of a law
4-43 enforcement agency, regardless of whether the administrator is
4-44 elected, employed, or appointed, is exempt from the compilation,
4-45 analysis, and reporting requirements under Section 1701.709
4-46 [Article 2.134] if:

4-47 (1) during the calendar year preceding the date that a
4-48 report under Section 1701.709 [Article 2.134] is required to be
4-49 submitted:

4-50 (A) each law enforcement motor vehicle regularly
4-51 used by an officer employed by the agency to make motor vehicle
4-52 stops is equipped with video camera and transmitter-activated audio
4-53 equipment and each law enforcement motorcycle regularly used to
4-54 make motor vehicle stops is equipped with transmitter-activated
4-55 audio equipment; and

4-56 (B) each motor vehicle stop made by an officer
4-57 employed by the agency that is capable of being recorded by video
4-58 and audio or audio equipment, as appropriate, is recorded by using
4-59 the equipment; or

4-60 (2) the governing body of the county or municipality
4-61 served by the law enforcement agency, in conjunction with the law
4-62 enforcement agency, certifies to the department [Department of
4-63 Public Safety], not later than the date specified by rule by the
4-64 department, that the law enforcement agency needs funds or video
4-65 and audio equipment for the purpose of installing video and audio
4-66 equipment as described by Subdivision (1)(A) [Subsection
4-67 (a)(1)(A)] and the agency does not receive from the state funds or
4-68 video and audio equipment sufficient, as determined by the
4-69 department, for the agency to accomplish that purpose.

5-1 Sec. 1701.712. RETENTION OF VIDEO AND AUDIO RECORDINGS.
 5-2 (a) ~~[(b)]~~ Except as otherwise provided by this section
 5-3 ~~[subsection]~~, a law enforcement agency that is exempt from the
 5-4 requirements under Section 1701.709 ~~[Article 2.134]~~ shall retain
 5-5 the video and audio or audio documentation of each motor vehicle
 5-6 stop for at least 90 days after the date of the stop.

5-7 (b) If a complaint is filed with the law enforcement agency
 5-8 alleging that a peace officer employed by the agency has engaged in
 5-9 racial profiling with respect to a motor vehicle stop, the agency
 5-10 shall retain the video and audio or audio record of the stop until
 5-11 final disposition of the complaint.

5-12 (c) This section ~~[article]~~ does not affect the collection or
 5-13 reporting requirements under Section 1701.702 ~~[Article 2.132]~~.

5-14 ~~[(d) In this article, "motor vehicle stop" has the meaning~~
 5-15 ~~assigned by Article 2.132(a)].~~

5-16 Sec. 1701.713 [Art. 2.136]. LIABILITY. A peace officer is
 5-17 not liable for damages arising from an act relating to the
 5-18 collection or reporting of information as required by Section
 5-19 1701.708 ~~[Article 2.133]~~ or under a policy adopted under Section
 5-20 1701.702 ~~[Article 2.132]~~.

5-21 Sec. 1701.714 [Art. 2.137]. PROVISION OF FUNDING OR
 5-22 EQUIPMENT. (a) The department ~~[Department of Public Safety]~~ shall
 5-23 adopt rules for providing funds or video and audio equipment to law
 5-24 enforcement agencies for the purpose of installing video and audio
 5-25 equipment as described by Section 1701.711(1)(A) ~~[Article~~
 5-26 ~~2.135(a)(1)(A)]~~, including specifying criteria to prioritize
 5-27 funding or equipment provided to law enforcement agencies. The
 5-28 criteria may include consideration of tax effort, financial
 5-29 hardship, available revenue, and budget surpluses. The criteria
 5-30 must give priority to:

- 5-31 (1) law enforcement agencies that employ peace
 5-32 officers whose primary duty is traffic enforcement;
 5-33 (2) smaller jurisdictions; and
 5-34 (3) municipal and county law enforcement agencies.

5-35 (b) The department ~~[Department of Public Safety]~~ shall
 5-36 collaborate with an institution of higher education to identify law
 5-37 enforcement agencies that need funds or video and audio equipment
 5-38 for the purpose of installing video and audio equipment as
 5-39 described by Section 1701.711(1)(A) ~~[Article 2.135(a)(1)(A)]~~. The
 5-40 collaboration may include the use of a survey to assist in
 5-41 developing criteria to prioritize funding or equipment provided to
 5-42 law enforcement agencies.

5-43 (c) To receive funds or video and audio equipment from the
 5-44 state for the purpose of installing video and audio equipment as
 5-45 described by Section 1701.711(1)(A) ~~[Article 2.135(a)(1)(A)]~~, the
 5-46 governing body of a county or municipality, in conjunction with the
 5-47 law enforcement agency serving the county or municipality, shall
 5-48 certify to the department ~~[Department of Public Safety]~~ that the
 5-49 law enforcement agency needs funds or video and audio equipment for
 5-50 that purpose.

5-51 (d) On receipt of funds or video and audio equipment from
 5-52 the state for the purpose of installing video and audio equipment as
 5-53 described by Section 1701.711(1)(A) ~~[Article 2.135(a)(1)(A)]~~, the
 5-54 governing body of a county or municipality, in conjunction with the
 5-55 law enforcement agency serving the county or municipality, shall
 5-56 certify to the department ~~[Department of Public Safety]~~ that the
 5-57 law enforcement agency has installed video and audio equipment as
 5-58 described by Section 1701.711(1)(A) ~~[Article 2.135(a)(1)(A)]~~ and
 5-59 is using the equipment as required by Section 1701.711(1) ~~[Article~~
 5-60 ~~2.135(a)(1)]~~.

5-61 Sec. 1701.715 [Art. 2.138]. RULES. The public safety
 5-62 director of the department ~~[Department of Public Safety]~~ may adopt
 5-63 rules to implement this subchapter ~~[Articles 2.131-2.137]~~.

5-64 Sec. 1701.716 [Art. 2.1385]. CIVIL PENALTY. (a) If the
 5-65 chief administrator of a local law enforcement agency intentionally
 5-66 fails to submit the incident-based data as required by Section
 5-67 1701.709 ~~[Article 2.134]~~, the agency is liable to the state for a
 5-68 civil penalty in the amount of \$1,000 for each violation. The
 5-69 attorney general may sue to collect a civil penalty under this

6-1 subsection.

6-2 (b) From money appropriated to the agency for the
6-3 administration of the agency, the executive director of a state law
6-4 enforcement agency that intentionally fails to submit the
6-5 incident-based data as required by Section 1701.709 [Article 2.134]
6-6 shall remit to the comptroller the amount of \$1,000 for each
6-7 violation.

6-8 (c) Money collected under this section [article] shall be
6-9 deposited in the state treasury to the credit of the general revenue
6-10 fund.

6-11 SECTION 4. Subchapter O, Chapter 1701, Occupations Code, as
6-12 added by this Act, is amended by adding Sections 1701.703,
6-13 1701.706, 1701.718, 1701.719, 1701.720, 1701.721, and 1701.722 to
6-14 read as follows:

6-15 Sec. 1701.703. IDENTIFYING INFORMATION IN REPORT. (a) A
6-16 report required under Section 1701.702(b)(7) may not include
6-17 identifying information about a peace officer who makes a motor
6-18 vehicle stop or about an individual who is stopped or arrested by a
6-19 peace officer.

6-20 (b) This section does not affect the collection of
6-21 information as required by a policy under Section 1701.702(b)(6).

6-22 Sec. 1701.706. RECORDING INTERACTIONS WITH THE PUBLIC.

6-23 (a) A peace officer who uses a motor vehicle or motorcycle
6-24 equipped with video or audio equipment shall act in a manner that is
6-25 consistent with the policy of the law enforcement agency that
6-26 employs the officer with respect to when and under what
6-27 circumstances the equipment must be activated.

6-28 (b) A peace officer who does not activate video or audio
6-29 equipment in response to a call for assistance or on making a motor
6-30 vehicle stop must include in the officer's incident report or
6-31 otherwise note in the case file or record the reason for not
6-32 activating the equipment.

6-33 (c) Any justification for failing to activate the equipment
6-34 because it is unsafe, unrealistic, or impracticable is based on
6-35 whether a reasonable officer under the same or similar
6-36 circumstances would have made the same decision.

6-37 Sec. 1701.718. RECORDINGS DOCUMENTING CERTAIN CONDUCT OF
6-38 LAW ENFORCEMENT OFFICER. (a) Except as provided by Subsection
6-39 (b), a video or audio recording under this subchapter documenting
6-40 an incident that involves the use of deadly force by a peace officer
6-41 or that is otherwise related to an administrative or criminal
6-42 investigation of an officer may not be deleted, destroyed, or
6-43 released to the public until all criminal matters have been finally
6-44 adjudicated and all related administrative investigations have
6-45 concluded.

6-46 (b) A law enforcement agency may release to the public a
6-47 recording described by Subsection (a) if the law enforcement agency
6-48 determines that the release furthers a law enforcement purpose.

6-49 (c) This section does not affect the authority of a law
6-50 enforcement agency to withhold under Section 552.108, Government
6-51 Code, information related to a closed criminal investigation that
6-52 did not result in a conviction or a grant of deferred adjudication
6-53 community supervision.

6-54 Sec. 1701.719. RELEASE OF VIDEO OR AUDIO RECORDING. (a) A
6-55 member of the public is required to provide the following
6-56 information when submitting a written request to a law enforcement
6-57 agency for a video or audio recording under this subchapter:

6-58 (1) the date and approximate time of the recording;
6-59 (2) the specific location where the recording
6-60 occurred; and

6-61 (3) the name of one or more persons known to be a
6-62 subject of the recording.

6-63 (b) A failure to provide all of the information required by
6-64 Subsection (a) to be part of a request for a recording does not
6-65 preclude the requestor from making a future request for the same
6-66 recording.

6-67 (c) Except as provided by Subsection (d), a recording held
6-68 by a law enforcement agency under this subchapter is not subject to
6-69 the requirements of Section 552.021, Government Code.

7-1 (d) A recording that is or could be used as evidence in a
7-2 criminal prosecution is subject to the requirements of Section
7-3 552.021, Government Code.

7-4 (e) A law enforcement agency may:
7-5 (1) seek to withhold a recording subject to Subsection
7-6 (d) in accordance with procedures provided by Section 552.301,
7-7 Government Code;

7-8 (2) assert any exceptions to disclosure in Chapter
7-9 552, Government Code, or other law; or

7-10 (3) release a recording requested in accordance with
7-11 Subsection (a) after the agency redacts any information made
7-12 confidential under Chapter 552, Government Code, or other law.

7-13 (f) The attorney general shall set a proposed fee to be
7-14 charged to members of the public who seek to obtain a copy of a
7-15 recording under this section. The fee amount must be sufficient to
7-16 cover the cost of reviewing and making the recording. A law
7-17 enforcement agency may provide a copy without charge or at a reduced
7-18 charge if the agency determines that waiver or reduction of the
7-19 charge is in the public interest.

7-20 (g) A recording is confidential and excepted from the
7-21 requirements of Chapter 552, Government Code, if the recording:

7-22 (1) was not required to be made under this subchapter
7-23 or another law or under a policy adopted by the appropriate law
7-24 enforcement agency; and

7-25 (2) does not relate to a law enforcement purpose.

7-26 Sec. 1701.720. VIDEO AND AUDIO RECORDINGS; REQUEST FOR
7-27 ATTORNEY GENERAL DECISION. (a) Notwithstanding Section
7-28 552.301(b), Government Code, a governmental body's request for a
7-29 decision from the attorney general about whether a requested
7-30 recording falls within an exception to public disclosure is
7-31 considered timely if made not later than the 20th business day after
7-32 the date of receipt of the written request.

7-33 (b) Notwithstanding Section 552.301(d), Government Code, a
7-34 governmental body's response to a requestor regarding a requested
7-35 recording is considered timely if made not later than the 20th
7-36 business day after the date of receipt of the written request.

7-37 (c) Notwithstanding Section 552.301(e), Government Code, a
7-38 governmental body's submission to the attorney general of the
7-39 information required by that subsection regarding a requested
7-40 recording is considered timely if made not later than the 25th
7-41 business day after the date of receipt of the written request.

7-42 (d) Notwithstanding Section 552.301(e-1), Government Code,
7-43 a governmental body's submission to a requestor of the information
7-44 required by that subsection regarding a requested recording is
7-45 considered timely if made not later than the 25th business day after
7-46 the date of receipt of the written request.

7-47 Sec. 1701.721. PRODUCTION OF VIDEO OR AUDIO RECORDING IN
7-48 RESPONSE TO VOLUMINOUS PUBLIC INFORMATION REQUESTS.

7-49 (a) Notwithstanding Section 552.221(d), Government Code, an
7-50 officer for public information who is employed by a governmental
7-51 body and who receives a voluminous request in accordance with
7-52 Section 1701.719(a) is considered to have promptly produced the
7-53 information for purposes of Section 552.221, Government Code, if
7-54 the officer takes the actions required under that section before
7-55 the 21st business day after the date of receipt of the written
7-56 request.

7-57 (b) For purposes of this section, "voluminous request"
7-58 includes:

7-59 (1) a request for recordings from more than five
7-60 separate incidents;

7-61 (2) more than five separate requests for recordings
7-62 from the same person in a 24-hour period, regardless of the number
7-63 of incidents included in each request; or

7-64 (3) a request or multiple requests from the same
7-65 person in a 24-hour period for recordings that, taken together,
7-66 constitute more than five total hours of video or audio recordings.

7-67 Sec. 1701.722. OFFENSE. (a) A peace officer or other
7-68 employee of a law enforcement agency commits an offense if the
7-69 officer or employee releases a recording under this subchapter

8-1 without permission of the applicable law enforcement agency.

8-2 (b) An offense under this section is a Class A misdemeanor.

8-3 SECTION 5. Article 2.139, Code of Criminal Procedure, as
8-4 added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature,
8-5 Regular Session, 2015, is transferred to Subchapter O, Chapter
8-6 1701, Occupations Code, as added by this Act, redesignated as
8-7 Section 1701.717, Occupations Code, and amended to read as follows:
8-8 Sec. 1701.717 [Art. 2.139]. VIDEO RECORDINGS OF ARRESTS
8-9 FOR INTOXICATION OFFENSES. A person stopped or arrested on
8-10 suspicion of an offense under Section 49.04, 49.045, 49.07, or
8-11 49.08, Penal Code, is entitled to receive from a law enforcement
8-12 agency employing the peace officer who made the stop or arrest a
8-13 copy of any video made by or at the direction of the officer that
8-14 contains footage of:

8-15 (1) the stop;

8-16 (2) the arrest;

8-17 (3) the conduct of the person stopped during any
8-18 interaction with the officer, including during the administration
8-19 of a field sobriety test; or

8-20 (4) a procedure in which a specimen of the person's
8-21 breath or blood is taken.

8-22 SECTION 6. Section 1701.164, Occupations Code, is amended
8-23 to read as follows:

8-24 Sec. 1701.164. COLLECTION OF CERTAIN INCIDENT-BASED DATA
8-25 SUBMITTED BY LAW ENFORCEMENT AGENCIES. The commission shall
8-26 collect and maintain incident-based data submitted to the
8-27 commission under Section 1701.709 [~~Article 2.134, Code of Criminal~~
8-28 ~~Procedure~~], including incident-based data compiled by a law
8-29 enforcement agency from reports received by the law enforcement
8-30 agency under Section 1701.708 [~~Article 2.133 of that code~~]. The
8-31 commission in consultation with the Department of Public Safety,
8-32 the Bill Blackwood Law Enforcement Management Institute of Texas,
8-33 the W. W. Caruth, Jr., Police Institute at Dallas, and the Texas
8-34 Police Chiefs Association shall develop guidelines for submitting
8-35 in a standard format the report containing incident-based data as
8-36 required by Section 1701.709 [~~Article 2.134, Code of Criminal~~
8-37 ~~Procedure~~].

8-38 SECTION 7. Section 1701.501(a), Occupations Code, is
8-39 amended to read as follows:

8-40 (a) Except as provided by Subsection (d), the commission
8-41 shall revoke or suspend a license, place on probation a person whose
8-42 license has been suspended, or reprimand a license holder for a
8-43 violation of:

8-44 (1) this chapter;

8-45 (2) the reporting requirements provided by Sections
8-46 1701.702 [~~Articles 2.132~~] and 1701.709 [~~2.134, Code of Criminal~~
8-47 ~~Procedure~~]; or

8-48 (3) a commission rule.

8-49 SECTION 8. (a) A law enforcement agency operating video or
8-50 audio equipment on the effective date of this Act may submit any
8-51 existing policy of the agency regarding the use of the equipment to
8-52 the Texas Commission on Law Enforcement to determine whether the
8-53 policy complies with Section 1701.705, Occupations Code, as added
8-54 by this Act.

8-55 (b) Notwithstanding Section 1701.705, Occupations Code, as
8-56 added by this Act, a law enforcement agency operating video or audio
8-57 equipment on the effective date of this Act is not required to adopt
8-58 or implement a policy that complies with Section 1701.705 before
8-59 September 1, 2018.

8-60 (c) Sections 1701.717, 1701.718, 1701.719, 1701.720,
8-61 1701.721, and 1701.722, Occupations Code, as added by this Act,
8-62 apply to a release of a recording on or after the effective date of
8-63 this Act, regardless of whether the incident that is the subject of
8-64 the recording occurred before, on, or after the effective date of
8-65 this Act.

8-66 SECTION 9. To the extent of any conflict, this Act prevails
8-67 over another Act of the 85th Legislature, Regular Session, 2017,
8-68 relating to nonsubstantive additions to and corrections in enacted
8-69 codes.

9-1 SECTION 10. This Act takes effect September 1, 2017.

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