

BILL ANALYSIS

C.S.H.B. 1036

By: Johnson

Emerging Issues In Texas Law Enforcement, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Despite the widely publicized nature of police shootings, interested parties contend that there is no way to know how many shootings occur each year because current law does not require police shootings to be reported. These parties believe that this lack of information prevents policymakers and researchers from adequately studying this issue. C.S.H.B. 1036 seeks to address this concern.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the office of the attorney general in SECTION 1 of this bill.

ANALYSIS

C.S.H.B. 1036 amends the Code of Criminal Procedure to require the office of the attorney general by rule to create, not later than October 1, 2015, a written and electronic form for the reporting by law enforcement agencies of an officer-involved injury or death, defined by the bill as an incident during which a peace officer discharges a firearm causing injury or death to another. The bill requires the form to include spaces to report only the following information: the incident date; the incident location; the age, gender, and race or ethnicity of each peace officer involved in the incident; the age, gender, and race or ethnicity of each injured or deceased person involved in the incident, if known; whether the person was injured or died as a result of the incident; and whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident. The bill requires, not later than the fifth day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident to complete and submit a written or electronic report to the office of the attorney general using the form created by the office and including all requisite information.

C.S.H.B. 1036 requires the office of the attorney general, not later than the fifth day after the date of receipt of a law enforcement agency's report of an officer-involved injury or death, to post a copy of the report to its website. The bill requires the office of the attorney general, not later than February 1 of each year, to submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters and prescribes the contents of the report.

C.S.H.B. 1036 requires the office of the attorney general by rule to create, not later than October 1, 2015, a written and electronic form for the reporting by law enforcement agencies of incidents

in which the discharge of a firearm by a person who is not a peace officer results in injury or death to a peace officer, while the peace officer is performing an official duty. The bill requires the form to include spaces to report only the following information: the incident date; the incident location; the age, gender, and race or ethnicity of each injured or deceased peace officer involved in the incident; the age, gender, and race or ethnicity of each person who discharged a firearm and caused injury or death to a peace officer involved in the incident, if known; whether the officer or any other person was injured or died as a result of the incident; and whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident. The bill requires, not later than the fifth day after the date of the occurrence of the peace officer's injury or death, the law enforcement agency employing the injured or deceased officer at the time of such an incident to complete and submit a written or electronic report to the office of the attorney general using the form created by the office and including all requisite information.

C.S.H.B. 1036 requires the office of the attorney general, not later than February 1 of each year, to submit a report regarding all such peace officer injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters and prescribes the contents of the report.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 1036 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.139 to read as follows:

Art. 2.139. REPORTS REQUIRED FOR OFFICER-INVOLVED INJURIES OR DEATHS. (a) In this article:

(1) "Bodily injury" and "serious bodily injury" have the meanings assigned by Section 1.07, Penal Code.

No equivalent provision.

(2) "Officer-involved injury or death" means an incident during which a peace officer:

(A) discharges the officer's firearm causing bodily injury or death to another; or

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Articles 2.139 and 2.1395 to read as follows:

Art. 2.139. REPORTS REQUIRED FOR OFFICER-INVOLVED INJURIES OR DEATHS. (a) In this article:

No equivalent provision.

(1) "Deadly weapon" means:

(A) a firearm or any object manifestly designed, made, or adapted for the purpose of inflicting death or serious bodily injury;
or

(B) any object that in the manner of its use or intended use is capable of causing death or serious bodily injury.

(2) "Officer-involved injury or death" means an incident during which a peace officer discharges a firearm causing injury or death to another.

(B) is otherwise directly responsible for serious bodily injury to another or for the death of another.

(b) The office of the attorney general shall by rule create a written and electronic form for the reporting by law enforcement agencies of officer-involved injury or death. The form must include a space to report:

(1) the badge number, age, ethnicity, and gender of each peace officer involved in the incident;

(2) the age, ethnicity, and gender of each injured or deceased person;

(3) the number of shots fired by a peace officer, if any;

(4) if an injured person dies as a result of the incident, the cause of death of the person; and

(5) the location of the incident.

(c) Within 72 hours of an officer-involved injury or death, the law enforcement agency employing the officer involved must complete and submit a written or electronic report, using the form created under Subsection (b), to the office of the attorney general. A submitted report must include all information described in Subsection (b).

(d) Each law enforcement agency shall conduct an internal investigation into an officer-involved injury or death involving a peace officer employed by the agency. Not later than 72 hours after concluding the investigation, the law enforcement agency shall submit to the office of the attorney general:

(1) a copy of the agency's file on the officer-involved injury or death; or

(2) a summary of the agency's findings on the investigation.

(e) A law enforcement agency shall submit a copy of the agency's file on an officer-involved injury or death to the office of the attorney general on request from the office.

(b) The office of the attorney general by rule shall create a written and electronic form for the reporting by law enforcement agencies of an officer-involved injury or death. The form must include spaces to report only the following information:

(1) the date on which the incident occurred;

(3) the age, gender, and race or ethnicity of each peace officer involved in the incident;

(4) if known, the age, gender, and race or ethnicity of each injured or deceased person involved in the incident;

(5) whether the person was injured or died as a result of the incident; and

(2) the location where the incident occurred;

(6) whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident.

(c) Not later than the fifth day after the date of an officer-involved injury or death, the law enforcement agency employing an officer involved in the incident must complete and submit a written or electronic report, using the form created under Subsection (b), to the office of the attorney general. A submitted report must include all information described in Subsection (b).

No equivalent provision.

No equivalent provision.

(f) Not later than five days after receipt of a report submitted under Subsection (c), the office of the attorney general shall post to the office's Internet website:

(1) a copy of the report; and

(2) from the information submitted under Subsection (d), a summary of a law enforcement agency's findings on an investigation into an officer-involved injury or death.

(g) Not later than January 1 of each year, the office of the attorney general shall submit a report regarding all officer-involved injuries or deaths that occurred the previous year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

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

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

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

No equivalent provision.

(d) Not later than the fifth day after the date of receipt of a report submitted under Subsection (c), the office of the attorney general shall post a copy of the report to the office's Internet website.

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

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

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

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

Art. 2.1395. REPORTS REQUIRED FOR CERTAIN INJURIES OR DEATHS OF PEACE OFFICERS. (a) In this article, "deadly weapon" has the meaning assigned by Article 2.139.

(b) The office of the attorney general by rule shall create a written and electronic form for the reporting by law enforcement agencies of incidents in which, while a peace officer is performing an official duty, a person who is not a peace officer discharges a firearm and causes injury or death to the officer. The form must include spaces to report only the following information:

(1) the date on which the incident occurred;

(2) the location where the incident occurred;

(3) the age, gender, and race or ethnicity of each injured or deceased peace officer involved in the incident;

(4) if known, the age, gender, and race or ethnicity of each person who discharged a firearm and caused injury or death to a peace officer involved in the incident;

(5) whether the officer or any other person was injured or died as a result of the

incident; and

(6) whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident.

(c) Not later than the fifth day after the date of the occurrence of an incident described by Subsection (b), the law enforcement agency employing the injured or deceased officer at the time of the incident must complete and submit a written or electronic report, using the form created under that subsection, to the office of the attorney general. A submitted report must include all information described in Subsection (b).

(d) Not later than February 1 of each year, the office of the attorney general shall submit a report regarding all incidents described by Subsection (b) that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. The report must include:

(1) the total number of incidents that occurred;

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

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

SECTION 2. Not later than **August 1, 2015**, the office of the attorney general shall create the reporting form required under Article 2.139, Code of Criminal Procedure, as added by this Act.

SECTION 2. Not later than **October 1, 2015**, the office of the attorney general shall create the reporting forms required under Articles 2.139 and 2.1395, Code of Criminal Procedure, as added by this Act.

SECTION 3. This Act takes effect September 1, 2015.

SECTION 3. Same as introduced version.