

By: Johnson

H.B. No. 1036

Substitute the following for H.B. No. 1036:

By: Flynn

C.S.H.B. No. 1036

A BILL TO BE ENTITLED

AN ACT

1
2 relating to reporting requirements for certain injuries or deaths
3 caused by peace officers and for certain injuries or deaths of peace
4 officers.

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

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

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

10 (1) "Deadly weapon" means:

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

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

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

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

23 (1) the date on which the incident occurred;

24 (2) the location where the incident occurred;

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

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

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

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

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

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

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

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

27 (2) a summary of the reports submitted to the office

1 under this article; and

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

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

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

13 (1) the date on which the incident occurred;

14 (2) the location where the incident occurred;

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

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

20 (5) whether the officer or any other person was
21 injured or died as a result of the incident; and

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

24 (c) Not later than the fifth day after the date of the
25 occurrence of an incident described by Subsection (b), the law
26 enforcement agency employing the injured or deceased officer at the
27 time of the incident must complete and submit a written or

1 electronic report, using the form created under that subsection, to
2 the office of the attorney general. A submitted report must include
3 all information described in Subsection (b).

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

10 (1) the total number of incidents that occurred;

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

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

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

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