

By: Johnson

H.B. No. 1036

A BILL TO BE ENTITLED

AN ACT

relating to reporting requirements for an injury or death caused by a peace officer.

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

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.

(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

(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;

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

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

5           (5) the location of the incident.

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

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

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

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

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

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

27           (1) a copy of the report; and

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

4           (g) Not later than January 1 of each year, the office of the  
5 attorney general shall submit a report regarding all  
6 officer-involved injuries or deaths that occurred the previous 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 officer-involved injuries or  
11 deaths;

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

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

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

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