

1-1 By: Johnson (Senate Sponsor - Whitmire) H.B. No. 1036
1-2 (In the Senate - Received from the House May 7, 2015;
1-3 May 11, 2015, read first time and referred to Committee on Criminal
1-4 Justice; May 21, 2015, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 May 21, 2015, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	<u>Whitmire</u>	<u>X</u>		
1-10	<u>Huffman</u>	<u>X</u>		
1-11	<u>Burton</u>	<u>X</u>		
1-12	<u>Creighton</u>	<u>X</u>		
1-13	<u>Hinojosa</u>	<u>X</u>		
1-14	<u>Menéndez</u>	<u>X</u>		
1-15	<u>Perry</u>	<u>X</u>		

1-16 COMMITTEE SUBSTITUTE FOR H.B. No. 1036 By: Whitmire

1-17 A BILL TO BE ENTITLED
1-18 AN ACT

1-19 relating to reporting requirements for certain injuries or deaths
1-20 caused by peace officers and for certain injuries or deaths of peace
1-21 officers.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 2, Code of Criminal Procedure, is
1-24 amended by adding Articles 2.139 and 2.1395 to read as follows:

1-25 Art. 2.139. REPORTS REQUIRED FOR OFFICER-INVOLVED INJURIES
1-26 OR DEATHS. (a) In this article:

1-27 (1) "Deadly weapon" means:

1-28 (A) a firearm or any object manifestly designed,
1-29 made, or adapted for the purpose of inflicting death or serious
1-30 bodily injury; or

1-31 (B) any object that in the manner of its use or
1-32 intended use is capable of causing death or serious bodily injury.

1-33 (2) "Officer-involved injury or death" means an
1-34 incident during which a peace officer discharges a firearm causing
1-35 injury or death to another.

1-36 (b) The office of the attorney general by rule shall create
1-37 a written and electronic form for the reporting by law enforcement
1-38 agencies of an officer-involved injury or death. The form must
1-39 include spaces to report only the following information:

1-40 (1) the date on which the incident occurred;

1-41 (2) the location where the incident occurred;

1-42 (3) the age, gender, and race or ethnicity of each
1-43 peace officer involved in the incident;

1-44 (4) if known, the age, gender, and race or ethnicity of
1-45 each injured or deceased person involved in the incident;

1-46 (5) whether the person was injured or died as a result
1-47 of the incident;

1-48 (6) whether each injured or deceased person used,
1-49 exhibited, or was carrying a deadly weapon during the incident;

1-50 (7) whether each peace officer involved in the
1-51 incident was on duty during the incident;

1-52 (8) whether each peace officer involved in the
1-53 incident was responding to an emergency call or a request for
1-54 assistance and, if so, whether the officer responded to that call or
1-55 request with one or more other peace officers; and

1-56 (9) whether the incident occurred during or as a
1-57 result of:

1-58 (A) the execution of a warrant; or

1-59 (B) a hostage, barricade, or other emergency
1-60 situation.

2-1 (c) Not later than the 30th day after the date of an
2-2 officer-involved injury or death, the law enforcement agency
2-3 employing an officer involved in the incident must complete and
2-4 submit a written or electronic report, using the form created under
2-5 Subsection (b), to the office of the attorney general and, if the
2-6 agency maintains an Internet website, post a copy of the report on
2-7 the agency's website. The report must include all information
2-8 described in Subsection (b).

2-9 (d) Not later than the fifth day after the date of receipt of
2-10 a report submitted under Subsection (c), the office of the attorney
2-11 general shall post a copy of the report on the office's Internet
2-12 website.

2-13 (e) Not later than February 1 of each year, the office of the
2-14 attorney general shall submit a report regarding all
2-15 officer-involved injuries or deaths that occurred during the
2-16 preceding year to the governor and the standing legislative
2-17 committees with primary jurisdiction over criminal justice
2-18 matters. The report must include:

2-19 (1) the total number of officer-involved injuries or
2-20 deaths;

2-21 (2) a summary of the reports submitted to the office
2-22 under this article; and

2-23 (3) a copy of each report submitted to the office under
2-24 this article.

2-25 Art. 2.1395. REPORTS REQUIRED FOR CERTAIN INJURIES OR
2-26 DEATHS OF PEACE OFFICERS. (a) The office of the attorney general
2-27 by rule shall create a written and electronic form for the reporting
2-28 by law enforcement agencies of incidents in which, while a peace
2-29 officer is performing an official duty, a person who is not a peace
2-30 officer discharges a firearm and causes injury or death to the
2-31 officer. The form must include spaces to report only the following
2-32 information:

2-33 (1) the date on which the incident occurred;

2-34 (2) the location where the incident occurred;

2-35 (3) the age, gender, and race or ethnicity of each
2-36 injured or deceased peace officer involved in the incident;

2-37 (4) if known, the age, gender, and race or ethnicity of
2-38 each person who discharged a firearm and caused injury or death to a
2-39 peace officer involved in the incident; and

2-40 (5) whether the officer or any other person was
2-41 injured or died as a result of the incident.

2-42 (b) Not later than the 30th day after the date of the
2-43 occurrence of an incident described by Subsection (a), the law
2-44 enforcement agency employing the injured or deceased officer at the
2-45 time of the incident must complete and submit a written or
2-46 electronic report, using the form created under that subsection, to
2-47 the office of the attorney general and, if the agency maintains an
2-48 Internet website, post a copy of the report on the agency's website.
2-49 The report must include all information described in Subsection
2-50 (a).

2-51 (c) Not later than February 1 of each year, the office of the
2-52 attorney general shall submit a report regarding all incidents
2-53 described by Subsection (a) that occurred during the preceding year
2-54 to the governor and the standing legislative committees with
2-55 primary jurisdiction over criminal justice matters. The report must
2-56 include:

2-57 (1) the total number of incidents that occurred;

2-58 (2) a summary of the reports submitted to the office
2-59 under this article; and

2-60 (3) a copy of each report submitted to the office under
2-61 this article.

2-62 SECTION 2. Not later than October 1, 2015, the office of the
2-63 attorney general shall create the reporting forms required under
2-64 Articles 2.139 and 2.1395, Code of Criminal Procedure, as added by
2-65 this Act.

2-66 SECTION 3. This Act takes effect September 1, 2015.

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