

SENATE AMENDMENTS

2nd Printing

By: Johnson

H.B. No. 1036

A BILL TO BE ENTITLED

AN ACT

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

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

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:

(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) 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;

(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 30th 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) The office of the attorney general
6 by rule shall create a written and electronic form for the reporting
7 by law enforcement agencies of incidents in which, while a peace
8 officer is performing an official duty, a person who is not a peace
9 officer discharges a firearm and causes injury or death to the
10 officer. The form must include spaces to report only the following
11 information:

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

13 (2) the location where the incident occurred;

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

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

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

21 (b) Not later than the 30th day after the date of the
22 occurrence of an incident described by Subsection (a), the law
23 enforcement agency employing the injured or deceased officer at the
24 time of the incident must complete and submit a written or
25 electronic report, using the form created under that subsection, to
26 the office of the attorney general. A submitted report must include
27 all information described in Subsection (a).

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

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

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

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

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

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

ADOPTED

MAY 22 2015

Leta Spaw
Secretary of the Senate

H.B. No. 1036

By:

John A. ...

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

By:

John A. ...

C.S. H.B. No. 1036

A BILL TO BE ENTITLED

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AN ACT

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:

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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;

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

9 (7) whether each peace officer involved in the
10 incident was on duty during the incident;

11 (8) whether each peace officer involved in the
12 incident was responding to an emergency call or a request for
13 assistance and, if so, whether the officer responded to that call or
14 request with one or more other peace officers; and

15 (9) whether the incident occurred during or as a
16 result of:

17 (A) the execution of a warrant; or

18 (B) a hostage, barricade, or other emergency
19 situation.

20 (c) Not later than the 30th day after the date of an
21 officer-involved injury or death, the law enforcement agency
22 employing an officer involved in the incident must complete and
23 submit a written or electronic report, using the form created under
24 Subsection (b), to the office of the attorney general and, if the
25 agency maintains an Internet website, post a copy of the report on
26 the agency's website. The report must include all information
27 described in Subsection (b).

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

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

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

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

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

17 Art. 2.1395. REPORTS REQUIRED FOR CERTAIN INJURIES OR
18 DEATHS OF PEACE OFFICERS. (a) The office of the attorney general
19 by rule shall create a written and electronic form for the reporting
20 by law enforcement agencies of incidents in which, while a peace
21 officer is performing an official duty, a person who is not a peace
22 officer discharges a firearm and causes injury or death to the
23 officer. The form must include spaces to report only the following
24 information:

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

26 (2) the location where the incident occurred;

27 (3) the age, gender, and race or ethnicity of each

1 injured or deceased peace officer involved in the incident;

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

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

7 (b) Not later than the 30th day after the date of the
8 occurrence of an incident described by Subsection (a), the law
9 enforcement agency employing the injured or deceased officer at the
10 time of the incident must complete and submit a written or
11 electronic report, using the form created under that subsection, to
12 the office of the attorney general and, if the agency maintains an
13 Internet website, post a copy of the report on the agency's website.
14 The report must include all information described in Subsection
15 (a).

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

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

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

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

27 SECTION 2. Not later than October 1, 2015, the office of the

1 attorney general shall create the reporting forms required under
2 Articles 2.139 and 2.1395, Code of Criminal Procedure, as added by
3 this Act.

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

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 22, 2015

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Johnson (Relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or deaths of peace officers.), **As Passed 2nd House**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Code of Criminal Procedure to require the Office of the Attorney General to create forms for certain agencies to report injuries or deaths related to peace officers no later than October 1, 2015. The bill would take effect September 1, 2015.

Based on the LBB's analysis of the Office of the Attorney General, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. The Department of Public Safety indicated the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

There may be costs to local law enforcement agencies for additional reports sent to the Office of the Attorney General within a certain time frame. The Harris County Sherriff's office estimates an operational cost of \$13,000 per year for additional hours needed to prepare and file paperwork.

Source Agencies:

LBB Staff: UP, SD, KJo, TBo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 20, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Johnson (Relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or deaths of peace officers.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require the Office of the Attorney General to create forms for certain agencies to report injuries or deaths related to peace officers no later than October 1, 2015. The bill would take effect September 1, 2015.

Based on the LBB's analysis of the Office of the Attorney General, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. The Department of Public Safety indicated the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

There may be costs to local law enforcement agencies for additional reports sent to the Office of the Attorney General within a certain time frame. The Harris County Sherriff's office estimates an operational cost of \$13,000 per year for additional hours needed to prepare and file paperwork.

Source Agencies:

LBB Staff: UP, KJo, TBo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

May 15, 2015

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Johnson (Relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or deaths of peace officers.), **As Engrossed**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require the Office of the Attorney General to create forms for certain agencies to report injuries or deaths related to peace officers no later than October 1, 2015. The bill would take effect September 1, 2015.

Based on the LBB's analysis of the Office of the Attorney General, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. The Department of Public Safety indicated the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

There may be costs to local law enforcement agencies for additional reports sent to the Office of the Attorney General within a certain time frame. The Harris County Sherriff's office estimates an operational cost of \$13,000 per year for additional hours needed to prepare and file paperwork.

Source Agencies:

LBB Staff: UP, KJo, TBo

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

April 22, 2015

TO: Honorable Allen Fletcher, Chair, House Committee on Emerging Issues In Texas Law Enforcement, Select

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Johnson (Relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or deaths of peace officers.), **Committee Report 1st House, Substituted**

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| <p>No significant fiscal implication to the State is anticipated.</p> |
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The bill would amend the Code of Criminal Procedure to require the Office of the Attorney General to create forms for certain agencies to report injuries or deaths related to peace officers no later than October 1, 2015. The bill would take effect September 1, 2015.

Based on the LBB's analysis of the Office of the Attorney General, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. The Department of Public Safety indicated the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

There may be costs to local law enforcement agencies for additional reports sent to the Office of the Attorney General within a certain time frame. The Harris County Sherriff's office estimates an operational cost of \$13,000 per year for additional hours needed to prepare and file paperwork.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: UP, ESi, TBo, KVe

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 84TH LEGISLATIVE REGULAR SESSION

March 18, 2015

TO: Honorable Allen Fletcher, Chair, House Committee on Emerging Issues In Texas Law Enforcement, Select

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB1036 by Johnson (Relating to reporting requirements for an injury or death caused by a peace officer.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would amend the Code of Criminal Procedure to require the Office of the Attorney General to create forms for certain agencies to report peace officer involved injury or death no later than August 1, 2015. The bill would take effect September 1, 2015.

Based on the LBB's analysis of the Office of the Attorney General, duties and responsibilities associated with implementing the provisions of the bill could be accomplished by utilizing existing resources. The Department of Public Safety indicated the costs associated with implementation of the bill could be absorbed with existing resources.

Local Government Impact

There may be costs to local law enforcement agencies for additional reports sent to the Office of the Attorney General within a certain time frame. The Harris County Sherriff's office estimates an operational cost of \$13,000 per year for additional hours needed to prepare and file paperwork.

Source Agencies: 302 Office of the Attorney General, 405 Department of Public Safety

LBB Staff: UP, ESi, EP, TBo, KVe, JAW