

BILL ANALYSIS

C.S.H.B. 831
By: Thompson, Senfronia
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recent national events involving the tragic deaths of Eric Garner and George Floyd have raised concerns about the use of choke holds and similar neck restraints by law enforcement when making an arrest or conducting a search. It has been reported that in both deaths police officers used restraints involving neck compressions, leading many governmental entities across the country to take steps to ban the intentional use of certain neck restraints. C.S.H.B. 831 seeks to address these concerns by requiring the basic peace officer training course established by the Texas Commission on Law Enforcement to include the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by an officer in searching or arresting a person, except under certain circumstances involving self defense or defense of another.

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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 831 amends the Occupations Code to require the basic peace officer training course required as part of the Texas Commission on Law Enforcement (TCOLE) peace officer training program to be no less than 720 hours and to include training on the prohibition against the intentional use of a choke hold, carotid artery hold, or similar neck restraint by an officer in searching or arresting a person, unless the officer reasonably believes the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person.

C.S.H.B. 831 requires TCOLE, not later than January 1, 2022, to modify the curriculum of the basic peace officer training course as necessary to comply with the bill's provisions. The minimum hour and content requirements for the training course apply only to a person who first begins the course on or after July 1, 2022.

EFFECTIVE DATE

September 1, 2021.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 831 may differ from the original in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.

The substitute establishes additional requirements for the basic peace officer training course, including training on the prohibition against the intentional use of certain neck restraints, and does not include any provisions from the original, which established that the use of force or deadly force is not justified in making an arrest or search if used in a manner that impedes the person's normal breathing or blood circulation by applying pressure to their throat or neck or by blocking their nose or mouth.