

BILL ANALYSIS

S.B. 69
By: Miles
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Choke holds and other methods to restrict airflow employed by peace officers involve the compression of the subject's neck. There have been calls to ban the use of these potentially lethal methods of restraint by law enforcement for the protection of citizens and law enforcement agencies. These restraint methods have unique potential for harm to individuals and police-community relations, since their misapplication can lead to serious harm or even death. Furthermore, wrongful death claims against law enforcement agencies collectively cost taxpayers millions of dollars to defend and settle. S.B. 69 seeks to address this issue by prohibiting peace officers from using neck restraints during a search or arrest.

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

S.B. 69 amends the Code of Criminal Procedure to prohibit a peace officer from intentionally using a choke hold, carotid artery hold, or similar neck restraint in searching or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person.

EFFECTIVE DATE

September 1, 2021.