

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 1036
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Criminal Justice
5/20/2015
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Despite the widely publicized nature of police shootings, interested parties contend that there is no way to know how many shootings occur each year because current law does not require police shootings to be reported. These parties believe that this lack of information prevents policymakers and researchers from adequately studying this issue. C.S.H.B. 1036 seeks to address this concern.

C.S.H.B. 1036 amends current law relating to reporting requirements for certain injuries or deaths caused by peace officers and for certain injuries or death of peace officers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the office of the attorney general of the State of Texas in SECTION 1 (Articles 2.139 and 2.1395, Code of Criminal Procedure) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Articles 2.139 and 2.1395, as follows:

Art. 2.139. REPORTS REQUIRED FOR OFFICER-INVOLVED INJURIES OR DEATHS. (a) Defines, in this article, "deadly weapon" and "officer-involved injury or death."

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

- (1) the date on which the incident occurred;
- (2) the location where the incident occurred;
- (3) the age, gender, and race or ethnicity of each peace officer involved in the incident;
- (4) if known, the age, gender, and race or ethnicity of each injured or deceased person involved in the incident;
- (5) whether the person was injured or died as a result of the incident; and
- (6) whether each injured or deceased person used, exhibited, or was carrying a deadly weapon during the incident;
- (7) whether each peace officer involved in the incident was on duty during the incident;

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

(9) whether the incident occurred during or as a result of the execution of a warrant; or a hostage, barricade, or other emergency situation.

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

(d) Requires the office of the attorney general to post a copy of the report on the office's Internet website, not later than the fifth day after the date of receipt of a report submitted under Subsection (c).

(e) Requires the office of the attorney general, not later than February 1 of each year, to submit a report regarding all officer-involved injuries or deaths that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. Requires that the report include the total number of officer-involved injuries or deaths, a summary of the reports submitted to the office under this article, and a copy of each report submitted to the office under this article.

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

(1) the date on which the incident occurred;

(2) the location where the incident occurred;

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

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

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

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

(c) Requires the office of the attorney general, not later than February 1 of each year, to submit a report regarding all incidents described by Subsection (a) that occurred during the preceding year to the governor and the standing legislative committees with primary jurisdiction over criminal justice matters. Requires that

the report include the total number of incidents that occurred, a summary of the reports submitted to the office under this article, and a copy of each report submitted to the office under this article.

SECTION 2. Requires the office of the attorney general, not later than October 1, 2015, to create the reporting forms required under Articles 2.139 and 2.1395, Code of Criminal Procedure, as added by this Act.

SECTION 3. Effective date: September 1, 2015.