

BILL ANALYSIS

Senate Research Center

S.B. 69
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Jurisprudence
5/31/2021
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 69 prohibits officers from applying deadly pressure to a person's throat, neck, or torso, blocking a person's nose or mouth, or impeding a person's circulation unless the officer is protecting themselves or another person from serious bodily injury or death.

Chokeholds and other methods to restrict airflow involve compression of the neck. As such, their misapplication could lead to serious harm and may involve application over a sustained period. Chokeholds and neck restraints have unique potential for harm to individuals and police-community relations. They should be banned and excluded from training.

At least 134 people nationwide have died in police custody from "asphyxia/restraint" in the past decade alone, and these are only the deaths reported. Wrongful death claims against law enforcement agencies collectively cost taxpayers millions of dollars to defend and, in many cases, settle. S.B. 69 would protect citizens from being choked to death by police and protect taxpayers from paying for wrongful death suits due to police chokeholds.

(Original Author's / Sponsor's Statement of Intent)

S.B. 69 amends current law relating to the use of force by peace officers.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Articles 2.1387 and 2.33, as follows:

Art. 2.1387. INTERVENTION REQUIRED FOR EXCESSIVE FORCE; REPORT REQUIRED. (a) Provides that a peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(1) the amount of force exceeds that which is reasonable under the circumstances; and

(2) the officer knows or should know that the other officer's use of force violates state or federal law, puts a person at risk of bodily injury, as that term is defined by Section 1.07 (Definitions), Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person, and is not required to apprehend the person suspected of committing an offense.

(b) Requires a peace officer who witnesses the use of excessive force by another peace officer to promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report.

Art. 2.33. USE OF NECK RESTRAINTS DURING SEARCH OR ARREST PROHIBITED. Prohibits 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.

SECTION 2. Effective date: September 1, 2021.