

BILL ANALYSIS

Senate Research Center
87R19614 JCG-D

C.S.S.B. 69
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Jurisprudence
4/16/2021
Committee Report (Substituted)

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.

C.S.S.B. 69 amends current law relating to prohibiting peace officers from using neck restraints during a search or arrest.

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 Article 2.33, as follows:

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.