

BILL ANALYSIS

S.B. 68
By: Miles
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Concerns have been raised regarding the use of excessive force by peace officers against a person suspected of committing an offense. It has been suggested that other officers do not intervene against this misconduct due to the fear of retaliation by peers and the potential detriment to their own career. Advocates for policies requiring officers to intervene against the use of excessive force by fellow officers argue that these policies will benefit law enforcement organizations by enhancing overall professionalism and relationships with those they serve in their community. S.B. 68 seeks to address this issue by requiring peace officers to intervene to stop or prevent another peace officer from using excessive force against a person suspected of committing an offense.

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. 68 amends the Code of Criminal Procedure to establish 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 the following conditions are met:

- the amount of force exceeds that which is reasonable under the circumstances; and
- 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 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 the offense.

The bill 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 reporting officer's supervisor.

EFFECTIVE DATE

September 1, 2021.