

**SUBJECT:** Allowing peace officers to release individuals with intellectual disabilities

**COMMITTEE:** Homeland Security and Public Safety — committee substitute recommended

**VOTE:** 8 ayes — Nevárez, Paul, Burns, Calanni, Clardy, Goodwin, Lang, Tinderholt

0 nays

1 absent — Israel

**WITNESSES:** For — Dennis D. Wilson, Sheriff's Association of Texas; Alex Cogan, The Arc of Texas; Yolanda Davis and Noel Johnson, Texas Municipal Police Association; (*Registered, but did not testify:* Caitlin McClune, Austin Justice Coalition; Chris Jones, Combined Law Enforcement Associations of Texas; Chris Masey, Coalition of Texans with Disabilities; Lisa Flores, Easter Seals Texas; Ray Hunt, Houston Police Officers Union; Kathleen Mitchell, Just Liberty; CJ Grisham, Open Carry Texas; Mary Mergler, Texas Appleseed; Lee Johnson, Texas Council of Community Centers; Alycia Speasmaker, Texas Criminal Justice Coalition; Emily Gerrick, Texas Fair Defense Project; Linda Litzinger, Texas Parent to Parent; Alexis Tatum, Travis County Commissioners Court)

Against — None

**DIGEST:** CSHB 3540 would allow a peace officer, in lieu of arresting certain persons with an intellectual or developmental disability, to release the person at the person's residence if the officer:

- believed confinement of the person in a correctional facility would be unnecessary to protect the person and other individuals at the residence; and
- made reasonable efforts to consult with staff at the residence and with the person regarding the decision.

These provisions would apply only to a person with an intellectual or developmental disability who resided at a group home or an intermediate care facility for persons with an intellectual or developmental disability.

A peace officer and the agency or political subdivision that employed the peace officer could not be held liable for damage to persons or property that resulted from the actions of an individual released under the bill's provisions.

The bill would take effect September 1, 2019.