

BILL ANALYSIS

Senate Research Center

H.B. 245
By: Johnson, Eric et al. (Whitmire)
Criminal Justice
5/17/2017
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Relating to certain reporting requirements for law enforcement agencies; providing a civil penalty.

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 Articles 2.139(c) and (e), Code of Criminal Procedure, as added by Chapter 516 (H.B. 1036), Acts of the 84th Legislature, Regular Session, 2015, as follows:

(c) Deletes existing text that requires a law enforcement agency employing an officer involved in an injury or death to post a copy of the written or electronic report on the agency's website, if the agency maintains an Internet website.

(d) Changes the deadline for the Office of the Attorney General's (OAG's) report regarding all officer-involved injuries or deaths from February 1 of each year to March 1 of each year.

SECTION 2. Amends Articles 2.1395(b) and (c), Code of Criminal Procedure, as follows:

(b) Deletes existing text that requires a law enforcement agency employing the injured or deceased officer to post a copy of its written or electronic report on the agency's website, if the agency maintains an Internet website.

(c) Changes the deadline for OAG's report regarding all incidents described by Subsection (a) (relating to incidents in which peace officers performing an official duty are shot by a person who is not a peace officer) from February 1 of each year to March 1 of each year.

SECTION 3. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.13951, as follows:

Art. 2.13951. NOTICE OF VIOLATION OF REPORTING REQUIREMENTS FOR CERTAIN INJURIES OR DEATHS; CIVIL PENALTY. (a) Requires OAG to conduct an investigation after receiving a report or other information that a law enforcement agency failed to submit a report required by Article 2.139 (Reports Required for Officer-Involved Injuries or Deaths) or 2.1395 (Reports Required for Certain Injuries or Deaths of Peace Officers). Requires OAG to provide notice of failure to submit a report to a law enforcement agency, if OAG determines the agency failed to submit a report. Requires the notice to summarize the applicable reporting requirement and state that the agency may be subject to a civil penalty as provided by Subsection (b) or (c), as applicable.

(b) Provides that a law enforcement agency that fails to submit the required report on or before the seventh day after the date of receiving notice under Subsection

(a) is liable for a civil penalty in the amount of \$1,000 for each day after the seventh day that the agency fails to submit the report, except as provided under Subsection (c).

(c) Provides that beginning on the day after the date of receiving notice under Subsection (a), a law enforcement agency that, in the five-year period preceding the date the agency received the notice, has been liable for a civil penalty under Subsection (b) or this subsection is liable for a civil penalty for each day the agency fails to submit the required report. Provides that the amount of a civil penalty under this subsection is \$10,000 for the first day and \$1,000 for each additional day that the agency fails to submit the report.

(d) Authorizes the Texas Attorney General to sue to collect a civil penalty under this article.

(e) Requires that a civil penalty collected under this article be deposited to the credit of the compensation to victims of crime fund established under Subchapter B (Crime Victims' Compensation), Chapter 56 (Rights of Crime Victims).

SECTION 4. Redesignates existing Article 2.139, Code of Criminal Procedure, as added by Chapter 1124 (H.B. 3791), Acts of the 84th Legislature, Regular Session, 2015, as Article 2.1396, Code of Criminal Procedure.

SECTION 5. Makes application of this Act prospective.

SECTION 6. Provides that, to the extent of any conflict, this Act prevails over another Act of the 85th Legislature, Regular Session, 2017, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 7. Effective date: September 1, 2017.