

By: Whitmire

S.B. No. 1849

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to interactions between law enforcement and individuals  
3 detained or arrested on suspicion of the commission of criminal  
4 offenses and the confinement or release of those individuals prior  
5 to prosecution.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 ARTICLE 1. SHORT TITLE, PREAMBLE, AND FINDINGS

8 SECTION 1.01. SHORT TITLE. This Act shall be known as the  
9 Sandra Bland Act in memory of Sandra Bland.

10 SECTION 1.02. PREAMBLE. The events leading up to Sandra  
11 Bland's unnecessary jailing and tragic death sparked statewide and  
12 national outrage. The House Committee on County Affairs held  
13 several hearings during the interim to discuss the circumstances  
14 and policies that led to her death. The Sandra Bland Act aims to  
15 improve and correct Texas' criminal justice system to make it  
16 better for all people and prevent future tragedies like Sandra  
17 Bland's.

18 SECTION 1.03. FINDINGS. After the tragic death of Sandra  
19 Bland the House Committee on County Affairs held multiple hearings  
20 during the interim of the 84th Texas Legislative Session. The  
21 County Affairs Committee reviewed the facts, circumstances, and  
22 policies that played a factor in the death of Sandra Bland.

23 The Committee found that there are significant racial  
24 disparities in how the Texas Department of Public Safety treats

1 Blacks when compared to Whites after they have been pulled over for  
2 a traffic violation. The Committee also found that the way DPS  
3 records and presents the data needs to be improved. This Act will  
4 address these problems by strengthening Texas' racial profiling  
5 law, as well as ensuring that the data Texas collects is robust,  
6 clear, and accurate.

7         The Committee found reason to believe that Sandra Bland and  
8 many other people are still being stopped for an underlying  
9 pretext. Though pre-textual stops are not the policy of DPS, Texas  
10 law needs to be strengthened to ensure that it does not happen at  
11 DPS or any other law enforcement agency in Texas. The Sandra Bland  
12 Act does this by explicitly outlawing the practice of pretext  
13 stops, as well as outlawing consent searches, and raising the  
14 burden of proof needed to both stop and search vehicles in Texas.  
15 These changes will ensure the rights of all are better protected.

16         Additionally, the Committee found that it would be beneficial  
17 to the public that all law enforcement would use de-escalation  
18 tactics in all interactions with the public. The officer escalating  
19 the routine traffic stop was the catalyst for the events that led to  
20 the death of Sandra Bland. Implementing policies that better train  
21 officers to de-escalate interactions with the public will keep us  
22 all safer and prevent future tragedies.

23         The Committee also found that far too many people are being  
24 brought to jail and remaining there unnecessarily like Sandra  
25 Bland. The Committee found that policies of diverting people who  
26 are in crisis and running afoul of the law either due to their  
27 mental health or substance abuse would be better served being

1 diverted into treatment, rather than cycled through the jail system  
2 and released with the same problems that caused them to get arrested  
3 previously. The Committee found suspending medical benefits upon  
4 detention instead of terminating them to ensure there are not gaps  
5 in treatment would help elevate this revolving door problem.

6 Sandra Bland was also arrested for a fine-only offense. It is  
7 not logical and potentially unconstitutional to send someone to  
8 jail for an offense that carries no penalty of jail time. Sandra  
9 Bland, like many people currently in jail waiting for their trial,  
10 are unable to pay their bail. Many of these individuals pose no risk  
11 to the community nor are they a flight risk. Yet, the Committee  
12 found that county jails are spending millions of dollars every year  
13 combined to house these inmates who have yet to be proven guilty.  
14 Hence, this Act will increase diversion by creating policies to  
15 encourage it, and supporting funding for places where people can be  
16 diverted to. Additionally, this Act will create policies aimed at  
17 properly increasing the use of personal recognizance bonds. If  
18 these policies would have been in place, there is good reason to  
19 believe Sandra Bland would still be alive.

20 The Committee found that Sandra Bland died in jail because  
21 our jails are not as safe as they could be, and that people who have  
22 yet to be proven guilty and even those proven guilty should not be  
23 subject to the dangers found in our jails. To address that issue  
24 this Act improves training for our jailers, requires jails to have  
25 medical personnel present and access to a mental health  
26 professional either in person or through telemental health at all  
27 times, and automated electronic sensors to ensure accurate cell

1 checks. This Act also creates a grant program to ensure that all  
2 County jails will be able to afford these necessary changes.

3 ARTICLE 2. IDENTIFICATION AND DIVERSION OF PERSONS SUSPECTED OF  
4 HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY

5 SECTION 2.01. Article 16.22, Code of Criminal Procedure, is  
6 amended to read as follows:

7 Art. 16.22. EARLY IDENTIFICATION OF DEFENDANT SUSPECTED OF  
8 HAVING MENTAL ILLNESS OR INTELLECTUAL DISABILITY [~~MENTAL~~  
9 ~~RETARDATION~~]. (a) (1) Not later than 24 [~~72~~] hours after  
10 receiving credible information that may establish reasonable cause  
11 to believe that a defendant committed to the sheriff's custody has a  
12 mental illness or is a person with an intellectual disability  
13 [~~mental retardation~~], including observation of the defendant's  
14 behavior immediately before, during, and after the defendant's  
15 arrest and the results of any previous assessment of the defendant,  
16 the sheriff shall provide written or electronic notice of the  
17 information to the magistrate. On a determination that there is  
18 reasonable cause to believe that the defendant has a mental illness  
19 or is a person with an intellectual disability [~~mental~~  
20 ~~retardation~~], the magistrate, except as provided by Subdivision  
21 (2), shall order the local mental health or intellectual and  
22 developmental disability [~~mental retardation~~] authority or another  
23 qualified mental health or intellectual disability [~~mental~~  
24 ~~retardation~~] expert to:

25 (A) collect information regarding whether the  
26 defendant has a mental illness as defined by Section 571.003,  
27 Health and Safety Code, or is a person with an intellectual

1 disability [~~mental retardation~~] as defined by Section 591.003,  
2 Health and Safety Code, including information obtained from any  
3 previous assessment of the defendant; and

4 (B) provide to the magistrate a written  
5 assessment of the information collected under Paragraph (A).

6 (2) The magistrate is not required to order the  
7 collection of information under Subdivision (1) if the defendant in  
8 the year preceding the defendant's applicable date of arrest has  
9 been determined to have a mental illness or to be a person with an  
10 intellectual disability [~~mental retardation~~] by the local mental  
11 health or intellectual and developmental disability [~~mental~~  
12 ~~retardation~~] authority or another mental health or intellectual  
13 disability [~~mental retardation~~] expert described by Subdivision  
14 (1). A court that elects to use the results of that previous  
15 determination may proceed under Subsection (c).

16 (3) If the defendant fails or refuses to submit to the  
17 collection of information regarding the defendant as required under  
18 Subdivision (1), the magistrate may order the defendant to submit  
19 to an examination in a mental health facility determined to be  
20 appropriate by the local mental health or intellectual and  
21 developmental disability [~~mental retardation~~] authority for a  
22 reasonable period not to exceed 21 days. The magistrate may order a  
23 defendant to a facility operated by the Department of State Health  
24 Services or the Health and Human Services Commission [~~Department of~~  
25 ~~Aging and Disability Services~~] for examination only on request of  
26 the local mental health or intellectual and developmental  
27 disability [~~mental retardation~~] authority and with the consent of

1 the head of the facility. If a defendant who has been ordered to a  
2 facility operated by the Department of State Health Services or the  
3 Health and Human Services Commission [~~Department of Aging and~~  
4 ~~Disability Services~~] for examination remains in the facility for a  
5 period exceeding 21 days, the head of that facility shall cause the  
6 defendant to be immediately transported to the committing court and  
7 placed in the custody of the sheriff of the county in which the  
8 committing court is located. That county shall reimburse the  
9 facility for the mileage and per diem expenses of the personnel  
10 required to transport the defendant calculated in accordance with  
11 the state travel regulations in effect at the time.

12 (b) A written assessment of the information collected under  
13 Subsection (a)(1)(A) shall be provided to the magistrate not later  
14 than the 30th day after the date of any order issued under  
15 Subsection (a) in a felony case and not later than the 10th day  
16 after the date of any order issued under that subsection in a  
17 misdemeanor case, and the magistrate shall provide copies of the  
18 written assessment to the defense counsel, the prosecuting  
19 attorney, and the trial court. The written assessment must include  
20 a description of the procedures used in the collection of  
21 information under Subsection (a)(1)(A) and the applicable expert's  
22 observations and findings pertaining to:

23 (1) whether the defendant is a person who has a mental  
24 illness or is a person with an intellectual disability [~~mental~~  
25 ~~retardation~~];

26 (2) whether there is clinical evidence to support a  
27 belief that the defendant may be incompetent to stand trial and

1 should undergo a complete competency examination under Subchapter  
2 B, Chapter 46B; and

3 (3) recommended treatment.

4 (c) After the trial court receives the applicable expert's  
5 written assessment relating to the defendant under Subsection (b)  
6 or elects to use the results of a previous determination as  
7 described by Subsection (a)(2), the trial court may, as applicable:

8 (1) resume criminal proceedings against the  
9 defendant, including any appropriate proceedings related to the  
10 defendant's release on personal bond under Article 17.032;

11 (2) resume or initiate competency proceedings, if  
12 required, as provided by Chapter 46B or other proceedings affecting  
13 the defendant's receipt of appropriate court-ordered mental health  
14 or intellectual disability [~~mental retardation~~] services,  
15 including proceedings related to the defendant's receipt of  
16 outpatient mental health services under Section 574.034, Health and  
17 Safety Code; or

18 (3) consider the written assessment during the  
19 punishment phase after a conviction of the offense for which the  
20 defendant was arrested, as part of a presentence investigation  
21 report, or in connection with the impositions of conditions  
22 following placement on community supervision, including deferred  
23 adjudication community supervision.

24 (d) This article does not prevent the applicable court from,  
25 before, during, or after the collection of information regarding  
26 the defendant as described by this article:

27 (1) releasing a defendant who has a mental illness

1 ~~[mentally ill]~~ or is a person with an intellectual disability  
2 ~~[mentally retarded defendant]~~ from custody on personal or surety  
3 bond; or

4 (2) ordering an examination regarding the defendant's  
5 competency to stand trial.

6 SECTION 2.02. Chapter 16, Code of Criminal Procedure, is  
7 amended by adding Article 16.23 to read as follows:

8 Art. 16.23. DIVERSION OF PERSONS SUFFERING MENTAL HEALTH  
9 CRISIS OR SUBSTANCE ABUSE. Each peace officer shall make a good  
10 faith effort to divert a person suffering a mental health crisis or  
11 substance abuse to a proper treatment center in the officer's  
12 jurisdiction if:

- 13 (1) it is reasonably possible to divert the person;  
14 (2) the offense that the person is accused of is a  
15 misdemeanor, other than a misdemeanor involving violence; and  
16 (3) the crisis or abuse is suspected to be the reason  
17 the person committed the alleged offense.

18 SECTION 2.03. Article 539.002, Government Code, is amended  
19 to read as follows:

20 Sec. 539.002. GRANTS FOR ESTABLISHMENT AND EXPANSION OF  
21 COMMUNITY COLLABORATIVES. (a) To the extent funds are  
22 appropriated to the department for that purpose, the department  
23 shall make grants to entities, including local governmental  
24 entities, nonprofit community organizations, and faith-based  
25 community organizations, to establish or expand community  
26 collaboratives that bring the public and private sectors together  
27 to provide services to persons experiencing homelessness,



1 substance abuse, and mental illness. [~~The department may make a~~  
2 ~~maximum of five grants, which must be made in the most populous~~  
3 ~~municipalities in this state that are located in counties with a~~  
4 ~~population of more than one million.~~] In awarding grants, the  
5 department shall give special consideration to entities:

- 6           (1) establishing a new collaborative; and  
7           (2) to collaboratives that serve multiple continues  
8 counties with individual populations below 50,000.

9           (b) The department shall require each entity awarded a grant  
10 under this section to:

11           (1) leverage additional funding from private sources  
12 in an amount that is at least equal to the amount of the grant  
13 awarded under this section; [~~and~~]

14           (2) provide evidence of significant coordination and  
15 collaboration between the entity, local mental health authorities,  
16 municipalities, local law enforcement agencies, and other  
17 community stakeholders in establishing or expanding a community  
18 collaborative funded by a grant awarded under this section; and

19           (3) provide evidence of a local law enforcement policy  
20 to divert appropriate persons from jails or other detention  
21 facilities to an entity affiliated with a community collaborative  
22 for services.

23           SECTION 2.04. Chapter 539, Government Code, is amended by  
24 adding Articles 539.0051 to read as follows:

25           Sec. 539.0051. PLAN REQUIRED FOR CERTAIN COMMUNITY  
26 COLLABORATIVES. (a) The governing body of a county shall develop  
27 and make public a plan detailing:

1           (1) how local mental health authorities,  
2 municipalities, local law enforcement agencies, and other  
3 community stakeholders in the county could coordinate to establish  
4 or expand a community collaborative to accomplish the goals of  
5 Section 539.002;

6           (2) how entities in the county may leverage funding  
7 from private sources to accomplish the goals of Section 539.002  
8 through the formation or expansion of a community collaborative;  
9 and

10           (3) how the formation or expansion of a community  
11 collaborative could establish or support resources or services to  
12 help local law enforcement agencies to divert persons who have been  
13 arrested to appropriate mental health care.

14           (b) The governing body of a county in which an entity that  
15 received a grant under Section 539.002 before September 1, 2017, is  
16 located is not required to develop a plan under Subsection (a).

17           (c) Counties with a population under 50,000 may work with  
18 multiple other counties that touch them that also have a population  
19 under 50,000 to form a joint plan.

20           SECTION 2.05. Subchapter B, Chapter 32, Human Resources  
21 Code, is amended by adding Section 32.0264 to read as follows:

22           Sec. 32.0264. SUSPENSION, TERMINATION, AND AUTOMATIC  
23 REINSTATEMENT OF ELIGIBILITY FOR INDIVIDUALS CONFINED IN COUNTY  
24 JAILS. (a) In this section, "county jail" means a facility  
25 operated by or for a county for the confinement of persons accused  
26 or convicted of an offense.

27           (b) If an individual is confined in a county jail because

1 the individual has been charged with but not convicted of an  
2 offense, the commission shall suspend the individual's eligibility  
3 for medical assistance during the period the individual is confined  
4 in the county jail.

5 (c) If an individual is confined in a county jail because  
6 the individual has been convicted of an offense, the commission  
7 shall, as appropriate:

8 (1) terminate the individual's eligibility for medical  
9 assistance; or

10 (2) suspend the individual's eligibility during the  
11 period the individual is confined in the county jail.

12 (d) Not later than 48 hours after the commission is notified  
13 of the release from a county jail of an individual whose eligibility  
14 for medical assistance has been suspended under this section, the  
15 commission shall reinstate the individual's eligibility, provided  
16 the individual's eligibility certification period has not elapsed.  
17 Following the reinstatement, the individual remains eligible until  
18 the expiration of the period for which the individual was certified  
19 as eligible.

20 SECTION 2.06. Subchapter C, Chapter 351, Local Government  
21 Code, is amended by adding Section 351.046 to read as follows:

22 Sec. 351.046. NOTICE TO CERTAIN GOVERNMENTAL ENTITIES. (a)  
23 The sheriff of a county may notify the Health and Human Services  
24 Commission:

25 (1) on the confinement in the county jail of an  
26 individual who is receiving medical assistance benefits under  
27 Chapter 32, Human Resources Code; and

1           (2) on the conviction of a prisoner who, immediately  
2 before the prisoner's confinement in the county jail, was receiving  
3 medical assistance benefits.

4           (b) If the sheriff of a county chooses to provide the  
5 notices described by Subsection (a), the sheriff shall provide the  
6 notices electronically or by other appropriate means as soon as  
7 possible and not later than the 30th day after the date of the  
8 individual's confinement or prisoner's conviction, as applicable.

9           (c) The sheriff of a county may notify:

10           (1) the United States Social Security Administration  
11 of the release or discharge of a prisoner who, immediately before  
12 the prisoner's confinement in the county jail, was receiving:

13                   (A) Supplemental Security Income (SSI) benefits  
14 under 42 U.S.C. Section 1381 et seq.; or

15                   (B) Social Security Disability Insurance (SSDI)  
16 benefits under 42 U.S.C. Section 401 et seq.; and

17           (2) the Health and Human Services Commission of the  
18 release or discharge of a prisoner who, immediately before the  
19 prisoner's confinement in the county jail, was receiving medical  
20 assistance benefits.

21           (d) If the sheriff of a county chooses to provide the  
22 notices described by Subsection (c), the sheriff shall provide the  
23 notices electronically or by other appropriate means not later than  
24 48 hours after the prisoner's release or discharge from custody.

25           (e) If the sheriff of a county chooses to provide the  
26 notices described by Subsection (c), at the time of the prisoner's  
27 release or discharge, the sheriff shall provide the prisoner with a

1 written copy of each applicable notice and a phone number at which  
2 the prisoner may contact the Health and Human Services Commission  
3 regarding confirmation of or assistance relating to reinstatement  
4 of the individual's eligibility for medical assistance benefits, if  
5 applicable.

6 (f) The Health and Human Services Commission shall  
7 establish a means by which the sheriff of a county, or an employee  
8 of the county or sheriff, may determine whether an individual  
9 confined in the county jail is or was, as appropriate, receiving  
10 medical assistance benefits under Chapter 32, Human Resources Code,  
11 for purposes of this section.

12 (g) The county or sheriff, or an employee of the county or  
13 sheriff, is not liable in a civil action for damages resulting from  
14 a failure to comply with this section.

15 SECTION 2.07. Sections 32.0264(a)-(c), Human Resources  
16 Code, and Section 351.046(a), Local Government Code, as added by  
17 this Act, apply to an individual whose period of confinement in a  
18 county jail begins on or after the effective date of this Act,  
19 regardless of the date the individual was determined eligible for  
20 medical assistance under Chapter 32, Human Resources Code.

21 SECTION 2.08. Section 32.0264(d), Human Resources Code, and  
22 Section 351.046(c), Local Government Code, as added by this Act,  
23 apply to the release or discharge of a prisoner from a county jail  
24 that occurs on or after the effective date of this Act, regardless  
25 of the date the prisoner was initially confined in the county jail.

26 SECTION 2.09. If before implementing any provision of this  
27 Act a state agency determines that a waiver or authorization from a

1 federal agency is necessary for implementation of that provision,  
2 the agency affected by the provision shall request the waiver or  
3 authorization and may delay implementing that provision until the  
4 waiver or authorization is granted.

5 ARTICLE 3. BAIL AND PRETRIAL RELEASE

6 SECTION 3.01. Article 17.03, Code of Criminal Procedure, is  
7 amended by amending Subsections (a) and (c) and adding Subsection  
8 (b-1) to read as follows:

9 (a) Except as provided by Subsection (b) or (b-1) [~~of this~~  
10 ~~article~~], a magistrate may, in the magistrate's discretion, release  
11 the defendant on [~~his~~] personal bond without sureties or other  
12 security.

13 (b-1) Notwithstanding any other law, a magistrate shall  
14 release on personal bond a defendant who is not charged with and has  
15 not been previously convicted of a violent offense unless the  
16 magistrate finds good cause to justify not releasing the defendant  
17 on personal bond.

18 (c) When setting a personal bond under this chapter, on  
19 reasonable belief by the investigating or arresting law enforcement  
20 agent or magistrate of the presence of a controlled substance in the  
21 defendant's body or on the finding of drug or alcohol abuse related  
22 to the offense for which the defendant is charged, the court or a  
23 magistrate may [~~shall~~] require as a condition of personal bond that  
24 the defendant submit to testing for alcohol or a controlled  
25 substance in the defendant's body and participate in an alcohol or  
26 drug abuse treatment or education program if such a condition will  
27 serve to reasonably assure the appearance of the defendant for

1 trial.

2 SECTION 3.02. The heading to Article 17.032, Code of  
3 Criminal Procedure, is amended to read as follows:

4 Art. 17.032. RELEASE ON PERSONAL BOND OF CERTAIN [~~MENTALLY~~  
5 ~~ILL~~] DEFENDANTS WITH MENTAL ILLNESS OR INTELLECTUAL DISABILITY.

6 SECTION 3.03. Articles 17.032(b) and (c), Code of Criminal  
7 Procedure, are amended to read as follows:

8 (b) A magistrate shall release a defendant on personal bond  
9 unless good cause is shown otherwise if the:

10 (1) defendant is not charged with and has not been  
11 previously convicted of a violent offense;

12 (2) defendant is examined by the local mental health  
13 or intellectual and developmental disability [~~mental retardation~~]  
14 authority or another mental health expert under Article 16.22 [~~of~~  
15 ~~this code~~];

16 (3) applicable expert, in a written assessment  
17 submitted to the magistrate under Article 16.22:

18 (A) concludes that the defendant has a mental  
19 illness or is a person with an intellectual disability [~~mental~~  
20 ~~retardation~~] and is nonetheless competent to stand trial; and

21 (B) recommends mental health treatment for the  
22 defendant; and

23 (4) magistrate determines, in consultation with the  
24 local mental health or intellectual and developmental disability  
25 [~~mental retardation~~] authority, that appropriate community-based  
26 mental health or intellectual disability [~~mental retardation~~]  
27 services for the defendant are available through the [~~Texas~~]

1 Department of State [~~Mental~~] Health Services [~~and Mental~~  
2 ~~Retardation~~] under Section 534.053, Health and Safety Code, or  
3 through another mental health or intellectual disability [~~mental~~  
4 ~~retardation~~] services provider.

5 (c) The magistrate, unless good cause is shown for not  
6 requiring treatment, shall require as a condition of release on  
7 personal bond under this article that the defendant submit to  
8 outpatient or inpatient mental health or intellectual disability  
9 [~~mental retardation~~] treatment as recommended by the local mental  
10 health or intellectual and developmental disability [~~mental~~  
11 ~~retardation~~] authority if the defendant's:

12 (1) mental illness or intellectual disability [~~mental~~  
13 ~~retardation~~] is chronic in nature; or

14 (2) ability to function independently will continue to  
15 deteriorate if the defendant is not treated.

16 SECTION 3.04. Article 17.033, Code of Criminal Procedure,  
17 is amended to read as follows:

18 Art. 17.033. RELEASE ON BOND OF CERTAIN PERSONS ARRESTED  
19 WITHOUT A WARRANT. (a) Except as provided by Subsection (c), a  
20 person who is arrested without a warrant and who is detained in jail  
21 must be released on personal bond [~~, in an amount not to exceed~~  
22 ~~\$5,000,~~] not later than the 24th hour after the person's arrest if  
23 the person was arrested for a misdemeanor and a magistrate has not  
24 determined whether probable cause exists to believe that the person  
25 committed the offense. [~~If the person is unable to obtain a surety~~  
26 ~~for the bond or unable to deposit money in the amount of the bond,~~  
27 ~~the person must be released on personal bond.~~]



1 (b) Except as provided by Subsection (c), a person who is  
2 arrested without a warrant and who is detained in jail must be  
3 released on bond, in an amount not to exceed \$5,000 [~~\$10,000~~], not  
4 later than the 24th [~~48th~~] hour after the person's arrest if the  
5 person was arrested for a felony and a magistrate has not determined  
6 whether probable cause exists to believe that the person committed  
7 the offense. If the person is unable to obtain a surety for the bond  
8 or unable to deposit money in the amount of the bond, the person  
9 must be released on personal bond.

10 (c) On the filing of an application by the attorney  
11 representing the state, a magistrate may postpone the release of a  
12 person under Subsection (a) [~~(a-1)~~] or (b) for not more than 48  
13 [~~72~~] hours after the person's arrest. An application filed under  
14 this subsection must state the reason a magistrate has not  
15 determined whether probable cause exists to believe that the person  
16 committed the offense for which the person was arrested.

17 (d) The time limits imposed by Subsections (a) [~~(a-1)~~] and  
18 (b) do not apply to a person arrested without a warrant who is taken  
19 to a hospital, clinic, or other medical facility before being taken  
20 before a magistrate under Article 15.17. For a person described by  
21 this subsection, the time limits imposed by Subsections (a) [~~(a-1)~~]  
22 [~~(a-1)~~] and (b) begin to run at the time, as documented in the  
23 records of the hospital, clinic, or other medical facility, that a  
24 physician or other medical professional releases the person from  
25 the hospital, clinic, or other medical facility.

26 SECTION 3.05. Article 25.03 and 25.04, Code of Criminal  
27 Procedure, is amended to read as follows:

1 Art. 25.03. IF ON BAIL IN FELONY. When the accused, in case  
2 of felony, is on bail at the time the indictment is presented, [~~it~~  
3 ~~is not necessary to serve him with a copy, but~~] the clerk shall [~~on~~  
4 ~~request~~] deliver a copy of the same to the accused or his counsel,  
5 at the earliest possible time.

6 Art. 25.04. IN MISDEMEANOR. In misdemeanors, it shall  
7 [~~not~~] be necessary before trial to furnish the accused with a copy  
8 of the indictment or information; [~~but he or his counsel may demand~~  
9 ~~a copy, which shall be given as early as possible.~~] the clerk shall  
10 deliver a copy of the same to the accused or his counsel, at the  
11 earliest possible time.

12 SECTION 3.06. Chapter 511, Government Code, is amended by  
13 adding Section 511.009(a)(21-23) to read as follows:

14 (21) adopt reasonable rules establishing minimum  
15 standards for jails regarding use of force, prevention of sexual  
16 assault, the management of intoxicated inmates, and the continuity  
17 of medication for inmates upon entry and release from the jail.

18 (22) adopt reasonable standards for jails in  
19 establishing guidelines for inmate safety that include requiring  
20 jails to have:

21 (A) 24 hour access to a mental health  
22 professional either on site or through a telemental health service;

23 (B) automated electronic sensors to ensure  
24 accurate and timely cell checks; and

25 (C) on-duty nurse or EMT for all shifts.

26 (23) adopt a chief command position exam that the  
27 person assigned to the chief command position overseeing a county

1 jail must pass.

2 (A) The chief command position exam may be taken  
3 at any testing center, and the testing center may charge a  
4 reasonable fee up to \$50 for administering and grading the exam.

5 (24) The commission shall adopt reasonable rules and  
6 procedures establishing minimum standards regarding the continuity  
7 of prescription medications for the care and treatment of inmates  
8 and prisoners in county jails. The rules and procedures shall  
9 require that inmates and prisoners who are determined to be  
10 lawfully taking a prescription medication when they enter the  
11 county jail be maintained on that same prescription medication  
12 until a qualified health care professional directs otherwise upon  
13 individualized consideration.

14 SECTION 3.07. Chapter 511, Government Code, is amended by  
15 adding Section 511.019 to read as follows:

16 Sec. 511.019. COUNTY INMATE SAFETY FUND. (a) The County  
17 Inmate Safety Fund is a dedicated account in the general revenue  
18 fund.

19 (b) The County Inmate Safety Fund consists of:

20 (1) appropriations of money to the fund by the  
21 legislature; and

22 (2) gifts, grants, including grants from the federal  
23 government, and other donations received for the fund.

24 (e) The Commission shall only make grants to county jails  
25 with a certified capacity of 96 inmates or below.

26 (d) Money in the fund may be appropriated only to the  
27 commission to pay for capital improvements that are required under

1 section 511.009(a)(22).

2 (e) The commission by rule may establish a grant program to  
3 provide grants to counties to fund programs, training, or capital  
4 improvements described by Subsection (c).

5 SECTION 3.08. Chapter 511, Government Code, is amended by  
6 adding Section 511.020 to read as follows:

7 Sec. 511.020. COLLECTION OF SERIOUS INCIDENTS. (a) The  
8 Sheriff of each county jail shall report on a monthly basis to the  
9 Commission the occurrence in their jail of:

- 10 (1) suicides;
- 11 (2) attempted suicides;
- 12 (3) deaths;
- 13 (4) serious injuries;
- 14 (5) assaults;
- 15 (6) escapes;
- 16 (7) sexual assaults; and
- 17 (8) uses of force.

18 (b) The Commission shall make this data available to the  
19 public, and shall produce a monthly report of the data.

20 SECTION 3.09. Chapter 511, Government Code, is amended by  
21 adding Section 511.1 to read as follows:

22 Sec. 511.1 OUTSIDE INVESTIGATION OF JAIL DEATHS. (a) The  
23 Department of Public Safety shall appoint a law enforcement agency  
24 other than that who operates the county jail where an inmate's death  
25 happened to investigate that inmate's death as soon as applicable.

26 (b) The law enforcement agency that operates the county jail  
27 where the inmate's death occurred shall begin and conduct the

1 investigation until the other law enforcement agency is named and  
2 begins their investigation.

3 (c) The law enforcement agency that operates the county jail  
4 where the inmate's death occurred shall hand over all evidence and  
5 be complete compliance with the law enforcement agency assigned to  
6 the investigation.

7 SECTION 3.10. The changes in law made by this article to  
8 Articles 17.03 and 17.032, Code of Criminal Procedure, apply only  
9 to a personal bond that is executed on or after the effective date  
10 of this Act. A personal bond executed before the effective date of  
11 this Act is governed by the law in effect when the personal bond was  
12 executed, and the former law is continued in effect for that  
13 purpose.

14 SECTION 3.11. The change in law made by this article to  
15 Article 17.033, 25.03, and 25.04, Code of Criminal Procedure,  
16 applies only to a person who is arrested on or after the effective  
17 date of this Act. A person arrested before the effective date of  
18 this Act is governed by the law in effect on the date the person was  
19 arrested, and the former law is continued in effect for that  
20 purpose.

21 SECTION 3.12. To the extent of any conflict, this Act  
22 prevails over another Act of the 85th Legislature, Regular Session,  
23 2017, relating to nonsubstantive additions to and corrections in  
24 enacted codes.

25 SECTION 3.13. The change in law made by this article to  
26 Article 511, Government Code, applies only to events on or after the  
27 effective date of this Act.

1 SECTION 3.14. The change in law made by this article to  
2 Article 511.009(a)(22), Government Code, The Commission shall  
3 adopt rules by September 1, 2018, and county jails must be in  
4 compliance by September 1, 2020.

5 SECTION 3.15. The chief command position exam described in  
6 Article 511.009(a)(23), Government Code, shall be developed by the  
7 Criminal Justice Department at Sam Houston University with input  
8 and approval from the Texas Commission on Jail Standards.

9 ARTICLE 4. PEACE OFFICER TRAINING

10 SECTION 4.01. Section 1701.253, Occupations Code, is  
11 amended by amending Subsections (c), (h), and (j) and adding  
12 Subsection (n) to read as follows:

13 (c) As part of the minimum curriculum requirements, the  
14 commission shall establish a statewide comprehensive education and  
15 training program on civil rights, racial sensitivity, implicit  
16 bias, and cultural diversity for persons licensed under this  
17 chapter.

18 (h) As part of the minimum curriculum requirements, the  
19 commission shall establish a statewide comprehensive education and  
20 training program on racial profiling for officers licensed under  
21 this chapter. An officer shall complete a program established  
22 under this subsection not later than the first [~~second~~] anniversary  
23 of the date the officer is licensed under this chapter or the date  
24 the officer applies for an intermediate proficiency certificate,  
25 whichever date is earlier.

26 (j) As part of the minimum curriculum requirements, the  
27 commission shall require an officer to complete a 40-hour statewide

1 education and training program on de-escalation and crisis  
2 intervention techniques to facilitate interaction with persons  
3 with mental impairments. An officer shall complete the program not  
4 later than the first [~~second~~] anniversary of the date the officer is  
5 licensed under this chapter or the date the officer applies for an  
6 intermediate proficiency certificate, whichever date is earlier.  
7 An officer may not satisfy the requirements of this subsection  
8 [~~section~~] or Section 1701.402(g) by taking an online course on  
9 de-escalation and crisis intervention techniques to facilitate  
10 interaction with persons with mental impairments.

11 (n) As part of the minimum curriculum requirements, the  
12 commission shall require an officer to complete a statewide  
13 education and training program on de-escalation techniques to  
14 facilitate interaction with members of the public, including  
15 techniques for limiting the use of force. An officer shall complete  
16 the program not later than the first anniversary of the date the  
17 officer is licensed under this chapter or the date the officer  
18 applies for an intermediate proficiency certificate, whichever  
19 date is earlier. An officer may not satisfy the requirements of  
20 this subsection or Section 1701.402(n) by taking an online course.

21 SECTION 4.02. Section 1701.310, Occupations Code, is  
22 amended by amending Subsections (a) to read as follows:

23 Sec. 1701.310. APPOINTMENT OF COUNTY JAILER; TRAINING  
24 REQUIRED. (a) Except as provided by Subsection (e), a person may  
25 not be appointed as a county jailer, except on a temporary basis,  
26 unless the person has satisfactorily completed a preparatory  
27 training program which includes 24 hours of training to facilitate

1 interaction with persons with mental impairments, as required by  
2 the commission, in the operation of a county jail at a school  
3 operated or licensed by the commission.

4 SECTION 4.03. Section 1701.310, Occupations Code, is  
5 amended by adding Subsections (f) to read as follows:

6 (f) A person assigned by the sheriff to the chief command  
7 position overseeing a county jail shall within 90 days of being  
8 assigned to the chief command position overseeing a county jail  
9 pass the chief command position exam.

10 (1) If a person assigned to the chief command position  
11 overseeing a county jail fails the chief command position exam they  
12 shall be immediately removed, and be unable to be reinstated until  
13 they pass the chief command position exam.

14 (2) A person who fails the chief command position exam  
15 must wait a minimum of 90 days to retake the exam.

16 (3) The Sheriff of the County in which the jail is  
17 located shall hold the chief command position until a new person is  
18 appointed, or the person originally assigned has passed the chief  
19 command position exam.

20 SECTION 4.03. Section 1701.352, Occupations Code, is  
21 amended by amending Subsections (b) and (e) and adding Subsection  
22 (j) to read as follows:

23 (b) The commission shall require a state, county, special  
24 district, or municipal agency that appoints or employs peace  
25 officers to provide each peace officer with a training program at  
26 least once every 48 months that is approved by the commission and  
27 consists of:



1           (1) topics selected by the agency; and  
2           (2) for an officer holding only a basic proficiency  
3 certificate, not more than 20 hours of education and training that  
4 contain curricula incorporating the learning objectives developed  
5 by the commission regarding:

6           (A) civil rights, racial sensitivity, implicit  
7 bias, and cultural diversity;

8           (B) de-escalation and crisis intervention  
9 techniques to facilitate interaction with persons with mental  
10 impairments; ~~and~~

11           (C) de-escalation techniques to facilitate  
12 interaction with members of the public, including techniques for  
13 limiting the use of force; and

14           (D) unless determined by the agency head to be  
15 inconsistent with the officer's assigned duties:

16           (i) the recognition and documentation of  
17 cases that involve child abuse or neglect, family violence, and  
18 sexual assault; and

19           (ii) issues concerning sex offender  
20 characteristics.

21           (e) The commission may require a state, county, special  
22 district, or municipal agency that appoints or employs a reserve  
23 law enforcement officer, county jailer, or public security officer  
24 to provide each of those persons with education and training in  
25 civil rights, racial sensitivity, implicit bias, and cultural  
26 diversity at least once every 48 months.

27           (j) The education and training program on de-escalation

1 techniques to facilitate interaction with members of the public  
2 under Subsection (b)(2)(C) may not be provided as an online course.

3 SECTION 4.04. Section 1701.402, Occupations Code, is  
4 amended by amending Subsection (i) and adding Subsection (n) to  
5 read as follows:

6 (i) As a requirement for an intermediate proficiency  
7 certificate, an officer must complete an education and training  
8 program on civil rights, racial sensitivity, implicit bias, and  
9 cultural diversity established by the commission under Section  
10 1701.253(c).

11 (n) As a requirement for an intermediate proficiency  
12 certificate or an advanced proficiency certificate, an officer must  
13 complete the education and training program regarding  
14 de-escalation techniques to facilitate interaction with members of  
15 the public established by the commission under Section 1701.253(n).

16 SECTION 4.05. Not later than January 1, 2018, the Texas  
17 Commission on Law Enforcement shall establish or modify training  
18 programs as necessary to comply with Section 1701.253, Occupations  
19 Code, as amended by this article.

20 ARTICLE 5. PRETEXT STOPS, RACIAL PROFILING, AND ISSUANCE OF  
21 CITATIONS

22 SECTION 5.01. Article 2.13, Code of Criminal Procedure, is  
23 amended by adding Subsection (d) to read as follows:

24 (d) The officer may not:

25 (1) conduct a search based solely on a person's consent  
26 to the search; or

27 (2) make a stop for an alleged violation of a traffic

1 law or ordinance as a pretext for investigating a violation of  
2 another penal law.

3 SECTION 5.02. Article 2.132, Code of Criminal Procedure, is  
4 amended by amending Subsections (b), (c), and (e) and adding  
5 Subsections (h) and (i) to read as follows:

6 (b) Each law enforcement agency in this state shall adopt a  
7 detailed written policy on racial profiling. The policy must:

8 (1) clearly define acts constituting racial  
9 profiling;

10 (2) strictly prohibit peace officers employed by the  
11 agency from engaging in racial profiling;

12 (3) implement a process by which an individual may  
13 file a complaint with the agency if the individual believes that a  
14 peace officer employed by the agency has engaged in racial  
15 profiling with respect to the individual;

16 (4) provide public education relating to the agency's  
17 complaint process, including providing the information regarding  
18 the complaint process on each ticket, citation, or warning issued  
19 by a peace officer;

20 (5) require appropriate corrective action to be taken  
21 against a peace officer employed by the agency who, after an  
22 investigation, is shown to have engaged in racial profiling in  
23 violation of the agency's policy adopted under this article;

24 (6) require collection of information relating to all  
25 motor vehicle stops [~~in which a citation is issued and to arrests~~  
26 ~~made as a result of those stops~~], including information relating  
27 to:

1 (A) the race or ethnicity of the individual  
2 detained;

3 (B) whether a search was conducted [~~and, if so,~~  
4 ~~whether the individual detained consented to the search~~]; and

5 (C) whether the peace officer knew the race or  
6 ethnicity of the individual detained before detaining that  
7 individual; [~~and~~]

8 (D) whether the peace officer used physical force  
9 against anyone during the stop; and

10 (7) require the chief administrator of the agency,  
11 regardless of whether the administrator is elected, employed, or  
12 appointed, to submit an annual report of the information collected  
13 under Subdivision (6) to:

14 (A) the Texas Commission on Law Enforcement; and

15 (B) the governing body of each county or  
16 municipality served by the agency, if the agency is an agency of a  
17 county, municipality, or other political subdivision of the state.

18 (c) The data collected as a result of the reporting  
19 requirements of this article shall not constitute prima facie  
20 evidence of racial profiling but is admissible in a court of law as  
21 evidence of racial profiling.

22 (e) A report required under Subsection (b)(7) may not  
23 include identifying information about a peace officer who makes a  
24 motor vehicle stop or about an individual who is stopped or arrested  
25 by a peace officer. This subsection does not affect the collection  
26 of information as required by a policy under Subsection (b)(6).

27 (h) A law enforcement agency shall review the data collected

1 under Subsection (b)(6) to determine whether the number of vehicles  
2 driven by a member of a particular race or ethnicity stopped by any  
3 peace officer employed by the agency is disproportionate to the  
4 population of that race or ethnicity in the county or municipality  
5 served by the agency.

6 (i) If a law enforcement agency determines that the number  
7 of vehicles driven by a member of a particular race or ethnicity  
8 stopped by a peace officer is disproportionate, as described by  
9 Subsection (h), the agency shall conduct an investigation of the  
10 officer to determine whether the officer routinely stops vehicles  
11 the drivers of which are members of a particular racial or ethnic  
12 group for alleged violations of traffic laws or ordinances as a  
13 pretext for investigating violations of other penal laws.

14 SECTION 5.03. Chapter 2, Code of Criminal Procedure, is  
15 amended by adding Articles 2.1321 and 2.1322 to read as follows:

16 Art. 2.1321. RACIAL PROFILING INVESTIGATIONS. (a) The  
17 chief administrator of a law enforcement agency, regardless of  
18 whether the administrator is elected, employed, or appointed, shall  
19 annually review the data collected by the agency on racial  
20 profiling to determine if:

21 (1) racial profiling is potentially occurring on an  
22 agency-wide level; or

23 (2) an individual peace officer may be engaging in  
24 racial profiling.

25 (b) On a finding by the chief administrator of potential  
26 racial profiling on an agency-wide basis or by an individual peace  
27 officer, the agency shall initiate an investigation into the

1 potential racial profiling.

2 (c) The chief administrator of each law enforcement agency  
3 shall annually certify to the Texas Commission on Law Enforcement  
4 that the chief administrator conducted the review required by  
5 Subsection (a).

6 (d) On a finding by the Texas Commission on Law Enforcement  
7 that the chief administrator of a law enforcement agency  
8 intentionally failed to conduct a review required by Subsection  
9 (a), the commission shall begin disciplinary procedures against the  
10 chief administrator.

11 Art. 2.1322. REQUIRED RACIAL PROFILING COUNSELING AND  
12 TRAINING FOR CERTAIN PEACE OFFICERS. (a) If an investigation  
13 initiated under Article 2.132 or 2.1321 results in a finding of  
14 racial profiling, the law enforcement agency shall provide  
15 appropriate counseling and training to any peace officer found to  
16 have engaged in racial profiling.

17 (b) The counseling and training under Subsection (a) must:  
18 (1) emphasize understanding and respect for racial and  
19 cultural differences;  
20 (2) address racial and cultural biases; and  
21 (3) include effective, noncombative methods of  
22 carrying out law enforcement duties in a racially and culturally  
23 diverse environment.

24 (c) If, after a peace officer completes the counseling and  
25 training under Subsection (a), the officer is again found to have  
26 engaged in racial profiling, the law enforcement agency shall:

27 (1) suspend the officer for not less than six months;

1 and

2 (2) require the officer to repeat the counseling and  
3 training under Subsection (a).

4 SECTION 5.04. Article 2.133, Code of Criminal Procedure, is  
5 amended by amending Subsection (b) and adding Subsection (c) to  
6 read as follows:

7 (b) A peace officer who stops a motor vehicle for an alleged  
8 violation of a law or ordinance shall report to the law enforcement  
9 agency that employs the officer information relating to the stop,  
10 including:

11 (1) a physical description of any person operating the  
12 motor vehicle who is detained as a result of the stop, including:

13 (A) the person's gender; and

14 (B) the person's race or ethnicity, as stated by  
15 the person or, if the person does not state the person's race or  
16 ethnicity, as determined by the officer to the best of the officer's  
17 ability;

18 (2) the initial reason for the stop;

19 (3) whether the officer conducted a search as a result  
20 of the stop [~~and, if so, whether the person detained consented to~~  
21 ~~the search~~];

22 (4) whether any contraband or other evidence was  
23 discovered in the course of the search and a description of the  
24 contraband or evidence;

25 (5) the reason for the search, including whether:

26 (A) any contraband or other evidence was in plain  
27 view;

1 (B) any probable cause or reasonable suspicion  
2 existed to perform the search; or

3 (C) the search was performed as a result of the  
4 towing of the motor vehicle or the arrest of any person in the motor  
5 vehicle;

6 (6) whether the officer made an arrest as a result of  
7 the stop or the search, including a statement of whether the arrest  
8 was based on a violation of the Penal Code, a violation of a traffic  
9 law or ordinance, or an outstanding warrant and a statement of the  
10 offense charged;

11 (7) the street address or approximate location of the  
12 stop; ~~and~~

13 (8) whether the officer issued a verbal or written  
14 warning or a citation as a result of the stop; and

15 (9) whether the officer used physical force in  
16 conjunction with the arrest.

17 (c) The chief administrator of a law enforcement agency,  
18 regardless of whether the administrator is elected, employed, or  
19 appointed, shall make periodic random and unannounced reviews of  
20 motor vehicle stops by peace officers employed by the agency to  
21 ensure that the race or ethnicity of the person operating the motor  
22 vehicle is being properly identified in the report under Subsection  
23 (b).

24 SECTION 5.05. Articles 2.134(c), (d), and (f), Code of  
25 Criminal Procedure, are amended to read as follows:

26 (c) A report required under Subsection (b) must be submitted  
27 by the chief administrator of the law enforcement agency,



1 regardless of whether the administrator is elected, employed, or  
2 appointed, and must include:

3 (1) a comparative analysis of the information compiled  
4 under Article 2.133 to:

5 (A) evaluate and compare the number of motor  
6 vehicle stops, within the applicable jurisdiction, of persons who  
7 are recognized as racial or ethnic minorities and persons who are  
8 not recognized as racial or ethnic minorities; ~~and~~

9 (B) examine the disposition of motor vehicle  
10 stops made by officers employed by the agency, categorized  
11 according to the race or ethnicity of the affected persons, as  
12 appropriate, including any searches resulting from stops within the  
13 applicable jurisdiction; and

14 (C) evaluate and compare the number of searches  
15 resulting from motor vehicle stops within the applicable  
16 jurisdiction and whether contraband or other evidence was  
17 discovered in the course of those searches;

18 (2) information relating to each complaint filed with  
19 the agency alleging that a peace officer employed by the agency has  
20 engaged in racial profiling; and

21 (3) information relating the number of investigations  
22 initiated under Article 2.1321, and the outcomes of the  
23 investigations.

24 (d) A report required under Subsection (b) may not include  
25 identifying information about a peace officer who makes a motor  
26 vehicle stop or about an individual who is stopped or arrested by a  
27 peace officer. This subsection does not affect the reporting of

1 information required under Article 2.133(b)(1).

2 (f) The data collected as a result of the reporting  
3 requirements of this article shall not constitute prima facie  
4 evidence of racial profiling but is admissible in a court of law as  
5 evidence of racial profiling.

6 SECTION 5.06. Article 2.137, Code of Criminal Procedure, is  
7 amended to read as follows:

8 Art. 2.137. PROVISION OF FUNDING OR EQUIPMENT. (a) The  
9 Department of Public Safety shall adopt rules for providing funds  
10 or video and audio equipment to law enforcement agencies for the  
11 purposes [purpose] of providing counseling and training for peace  
12 officers to prevent racial profiling and installing video and audio  
13 equipment in law enforcement motor vehicles and motorcycles [as  
14 described by Article 2.135(a)(1)(A)], including specifying  
15 criteria to prioritize funding or equipment provided to law  
16 enforcement agencies. The criteria may include consideration of  
17 tax effort, financial hardship, available revenue, and budget  
18 surpluses. The criteria must give priority to:

19 (1) law enforcement agencies that employ peace  
20 officers whose primary duty is traffic enforcement;

21 (2) smaller jurisdictions; and

22 (3) municipal and county law enforcement agencies.

23 (b) The Department of Public Safety shall collaborate with  
24 an institution of higher education to identify law enforcement  
25 agencies that need funds or video and audio equipment for the  
26 purposes [purpose] of providing counseling and training for peace  
27 officers to prevent racial profiling and installing video and audio

1 equipment in law enforcement motor vehicles and motorcycles [~~as~~  
2 ~~described by Article 2.135(a)(1)(A)]~~. The collaboration may  
3 include the use of a survey to assist in developing criteria to  
4 prioritize funding or equipment provided to law enforcement  
5 agencies.

6 (c) To receive funds or video and audio equipment from the  
7 state for the purposes [~~purpose~~] of providing counseling and  
8 training for peace officers to prevent racial profiling and  
9 installing video and audio equipment in law enforcement motor  
10 vehicles and motorcycles [~~as described by Article 2.135(a)(1)(A)]~~,  
11 the governing body of a county or municipality, in conjunction with  
12 the law enforcement agency serving the county or municipality,  
13 shall certify to the Department of Public Safety that the law  
14 enforcement agency needs funds or video and audio equipment for  
15 those purposes [~~that purpose~~].

16 (d) On receipt of funds or video and audio equipment from  
17 the state for the purposes [~~purpose~~] of providing counseling and  
18 training for peace officers to prevent racial profiling and  
19 installing video and audio equipment in law enforcement motor  
20 vehicles and motorcycles [~~as described by Article 2.135(a)(1)(A)]~~,  
21 the governing body of a county or municipality, in conjunction with  
22 the law enforcement agency serving the county or municipality,  
23 shall certify to the Department of Public Safety that the law  
24 enforcement agency has installed and is using video and audio  
25 equipment for those purposes [~~as described by Article~~  
26 ~~2.135(a)(1)(A) and is using the equipment as required by Article~~  
27 ~~2.135(a)(1)]~~.

1 SECTION 5.07. Article 2.1385(a), Code of Criminal  
2 Procedure, is amended to read as follows:

3 (a) If the chief administrator of a local law enforcement  
4 agency intentionally fails to submit the incident-based data as  
5 required by Article 2.134, the agency is liable to the state for a  
6 civil penalty in the amount of \$10,000 [~~\$1,000~~] for each violation.  
7 The attorney general may sue to collect a civil penalty under this  
8 subsection.

9 SECTION 5.08. Effective September 1, 2018, Chapter 2, Code  
10 of Criminal Procedure, is amended by adding Article 2.1386 to read  
11 as follows:

12 Art. 2.1386. MOTOR VEHICLE STOP INVESTIGATIONS. (a) In  
13 this article, "law enforcement agency" and "motor vehicle stop"  
14 have the meanings assigned by Article 2.132(a).

15 (b) Each law enforcement agency shall adopt and implement a  
16 detailed written policy regarding the administration of a motor  
17 vehicle stop investigation in accordance with this article,  
18 including the administrative penalties for violations of the  
19 policy. A law enforcement agency may adopt the model policy  
20 promulgated by the Bill Blackwood Law Enforcement Management  
21 Institute of Texas or the agency's own policy.

22 (c) A peace officer may not:

23 (1) conduct a roadside investigation during a motor  
24 vehicle stop for an offense other than the traffic violation  
25 without suspicion based on a preponderance of the evidence that the  
26 driver has committed the other offense;

27 (2) continue a roadside investigation during a motor

1 vehicle stop into an offense other than the traffic violation after  
2 the driver has refused to consent to be searched unless the peace  
3 officer has additional suspicion based on a preponderance of the  
4 evidence that the driver has committed the other offense; or

5 (3) arrest a driver during a motor vehicle stop for a  
6 traffic violation to conduct a search incident to arrest unless the  
7 officer has probable cause to believe that the driver has committed  
8 an offense more serious than a Class C misdemeanor.

9 (d) A peace officer who violates Subsection (c) shall be  
10 subject to an administrative penalty of not less than a one-day  
11 suspension.

12 SECTION 5.09. Article 3.05, Code of Criminal Procedure, is  
13 amended to read as follows:

14 Art. 3.05. RACIAL PROFILING. (a) In this code, "racial  
15 profiling" means a law enforcement-initiated action based on an  
16 individual's race, ethnicity, or national origin rather than on the  
17 individual's behavior or on information identifying the individual  
18 as having engaged in criminal activity.

19 (b) Racial profiling may be identified through the  
20 examination of sufficient and evidence-based data analysis.

21 SECTION 5.10. Article 14.06, Code of Criminal Procedure, is  
22 amended by amending Subsection (b) and adding Subsection (b-1) to  
23 read as follows:

24 (b) A peace officer who is charging a person, including a  
25 child, with committing an offense that is a [~~Class C~~] misdemeanor  
26 punishable by a fine only, other than an offense under Section  
27 49.02, Penal Code, or an offense under Chapter 106, Alcoholic

1 Beverage Code, shall [~~may~~], instead of taking the person before a  
2 magistrate, issue a citation to the person that contains written  
3 notice of the time and place the person must appear before a  
4 magistrate, the name and address of the person charged, the offense  
5 charged, and the following admonishment, in boldfaced or underlined  
6 type or in capital letters:

7 "If you are convicted of a misdemeanor offense involving  
8 violence where you are or were a spouse, intimate partner, parent,  
9 or guardian of the victim or are or were involved in another,  
10 similar relationship with the victim, it may be unlawful for you to  
11 possess or purchase a firearm, including a handgun or long gun, or  
12 ammunition, pursuant to federal law under 18 U.S.C. Section  
13 922(g)(9) or Section 46.04(b), Texas Penal Code. If you have any  
14 questions whether these laws make it illegal for you to possess or  
15 purchase a firearm, you should consult an attorney."

16 (b-1) A peace officer who is charging a person, including a  
17 child, with committing an offense that is a misdemeanor punishable  
18 by a fine only under Chapter 106, Alcoholic Beverage Code, may,  
19 instead of taking the person before a magistrate, issue to the  
20 person a citation that contains written notice of the time and place  
21 the person must appear before a magistrate, the name and address of  
22 the person charged, and the offense charged.

23 SECTION 5.11. Section 543.004(a), Transportation Code, is  
24 amended to read as follows:

25 (a) An officer shall issue a written notice to appear if:

26 (1) the offense charged is [~~speeding or~~] a misdemeanor  
27 under this subtitle that is punishable by a fine only [~~violation of~~

1 ~~the open container law, Section 49.03, Penal Code]; and~~

2 (2) the person makes a written promise to appear in  
3 court as provided by Section 543.005.

4 SECTION 5.12. Effective January 1, 2018, Subchapter A,  
5 Chapter 543, Transportation Code, is amended by adding Section  
6 543.0045 to read as follows:

7 Sec. 543.0045. NOTIFICATION REQUIRED DURING TRAFFIC STOP.

8 (a) An officer who stops a motor vehicle as a result of a person's  
9 alleged commission of a misdemeanor under this subtitle that is  
10 punishable by a fine only shall promptly notify the person that:

11 (1) the alleged offense is a misdemeanor under this  
12 subtitle that is punishable by a fine only; and

13 (2) the officer may not arrest a person solely on the  
14 basis of that offense.

15 (b) The Texas Commission on Law Enforcement by rule shall  
16 specify the language that is required to be included in the  
17 notification described by Subsection (a).

18 SECTION 5.13. The following provisions of the Code of  
19 Criminal Procedure are repealed:

20 (1) Article 2.135.

21 SECTION 5.14. Article 2.13(d), Code of Criminal Procedure,  
22 as added by this article, applies only to a motor vehicle stop or  
23 search that occurs on or after the effective date of this Act.

24 SECTION 5.15. Articles 2.132 and 2.134, Code of Criminal  
25 Procedure, as amended by this article, apply only to a report  
26 covering a calendar year beginning on or after January 1, 2018.

27 SECTION 5.16. Articles 2.132(h) and (i), 2.1321, and

1 2.1322, Code of Criminal Procedure, as added by this article, apply  
2 to an investigation that occurs on or after the effective date of  
3 this Act, regardless of whether the potential racial profiling  
4 occurred before, on, or after that date.

5 SECTION 5.17. Not later than September 1, 2018, the Texas  
6 Commission on Law Enforcement shall evaluate and change the  
7 guidelines for compiling and reporting information required under  
8 Article 2.134, Code of Criminal Procedure, as amended by this  
9 article, to withstand academic scrutiny.

10 SECTION 5.18. (a) Not later than December 31, 2017, the  
11 Bill Blackwood Law Enforcement Management Institute of Texas, in  
12 consultation with large, medium, and small law enforcement  
13 agencies, law enforcement associations, and community  
14 organizations engaged in the development of law enforcement policy  
15 on behalf of the public, shall develop, adopt, and disseminate to  
16 all law enforcement agencies in this state a model policy and  
17 associated training materials for conducting a motor vehicle stop,  
18 in accordance with Article 2.1386, Code of Criminal Procedure, as  
19 added by this article.

20 (b) Not later than September 1, 2018, each law enforcement  
21 agency of this state shall adopt the policy required by Article  
22 2.1386, Code of Criminal Procedure, as added by this article, if  
23 applicable.

24 SECTION 5.19. Not later than December 1, 2017, the Texas  
25 Commission on Law Enforcement shall adopt the rules required by  
26 Section 543.0045(b), Transportation Code, as added by this article.

27 SECTION 5.20. The changes in law made by this article apply



1 only to an offense committed on or after the effective date of this  
2 Act. An offense committed before the effective date of this Act is  
3 governed by the law in effect on the date the offense was committed,  
4 and the former law is continued in effect for that purpose. For  
5 purposes of this section, an offense was committed before the  
6 effective date of this article if any element of the offense  
7 occurred before that date.

8 ARTICLE 6. DISCIPLINARY PROCEDURES FOR PEACE OFFICERS.

9 SECTION 6.01. Effective September 1, 2018, the heading to  
10 Subchapter B, Chapter 614, Government Code, is amended to read as  
11 follows:

12 SUBCHAPTER B. COMPLAINT AGAINST PEACE [~~LAW ENFORCEMENT~~] OFFICER OR  
13 FIRE FIGHTER

14 SECTION 6.02. Effective September 1, 2018, Section 614.021,  
15 Government Code, is amended to read as follows:

16 Sec. 614.021. APPLICABILITY OF SUBCHAPTER. (a) Except as  
17 provided by Subsection (b), this subchapter applies only to a  
18 complaint against:

19 (1) [~~a law enforcement officer of the State of Texas,~~  
20 ~~including an officer of the Department of Public Safety or of the~~  
21 ~~Texas Alcoholic Beverage Commission,~~

22 [~~2~~] a fire fighter who is employed by this state or a  
23 political subdivision of this state;

24 (2) [~~3~~] a peace officer under Article 2.12, Code of  
25 Criminal Procedure, or other law who is appointed or employed by the  
26 State of Texas or a political subdivision of this state, including a  
27 political subdivision that is covered by a meet and confer or

1 collective bargaining agreement under Chapter 142, 143, or 174,  
2 Local Government Code; or

3 (3) ~~(4)~~ a detention officer or county jailer who is  
4 appointed or employed by a political subdivision of this state.

5 (b) This subchapter does not apply to a ~~peace officer or~~  
6 fire fighter ~~appointed or~~ employed by a political subdivision  
7 that is covered by a meet and confer or collective bargaining  
8 agreement under Chapter 143 or 174, Local Government Code, if that  
9 agreement includes provisions relating to the investigation of, and  
10 disciplinary action resulting from, a complaint against a ~~peace~~  
11 ~~officer or~~ fire fighter ~~[, as applicable]~~. This subchapter does not  
12 alter an at-will employment relationship between the employee and  
13 the political subdivision.

14 SECTION 6.03. Effective September 1, 2018, Section 614.022,  
15 Government Code, is amended to read as follows:

16 Sec. 614.022. CERTAIN COMPLAINTS ~~[COMPLAINT]~~ TO BE IN  
17 WRITING AND SIGNED BY COMPLAINANT. To be considered by ~~[the head of~~  
18 ~~a state agency or by]~~ the head of a fire department or local law  
19 enforcement agency, a [the] complaint filed by a member of the  
20 public against a fire fighter, detention officer, or county jailer  
21 must be:

- 22 (1) in writing; and  
23 (2) signed by the person making the complaint.

24 SECTION 6.04. Effective September 1, 2018, Subchapter B,  
25 Chapter 614, Government Code, is amended by adding Sections  
26 614.0225, 614.0226, and 614.0227 to read as follows:

27 Sec. 614.0225. STANDARD PROCEDURES FOR COMPLAINT AGAINST

1 PEACE OFFICER BY A MEMBER OF THE PUBLIC. (a) Each law enforcement  
2 agency shall adopt and implement standard procedures for processing  
3 a complaint filed by a member of the public including members of the  
4 public who are incarcerated, against a peace officer in accordance  
5 with this subchapter. A law enforcement agency may adopt the model  
6 standard procedures promulgated by the Bill Blackwood Law  
7 Enforcement Management Institute of Texas or the agency's own  
8 procedures.

9 (b) A law enforcement agency shall facilitate the filing of  
10 a written complaint against a peace officer by a member of the  
11 public by providing a means to complain in person, by mail, by  
12 e-mail, by telephone, and on the agency's Internet website.

13 (c) A law enforcement agency shall facilitate the filing of  
14 a complaint by a member of the public against a peace officer by  
15 providing a means of a friend or family member to file on the behalf  
16 of the victim.

17 Sec. 614.0226. REQUIREMENTS FOR COMPLAINT FILED BY A MEMBER  
18 OF THE PUBLIC AGAINST PEACE OFFICER. A complaint filed by a member  
19 of the public against a peace officer must include:

20 (1) the name and the telephone number or e-mail  
21 address of the person filing the complaint;

22 (2) the location of the interaction with the peace  
23 officer; and

24 (3) a description of the basis for the complaint.

25 Sec. 614.0227. REQUIREMENTS FOR CITATION. A citation  
26 issued by a peace officer must include the e-mail address,  
27 telephone number, Internet address, and physical location where a

1 complaint can be filed by a member of the public against the peace  
2 officer and basic instructions for filing the complaint.

3 SECTION 6.05. Effective September 1, 2018, Section 614.023,  
4 Government Code, is amended to read as follows:

5 Sec. 614.023. COPY OF COMPLAINT TO BE GIVEN TO FIRE FIGHTER,  
6 DETENTION OFFICER, OR COUNTY JAILER [~~OFFICER OR EMPLOYEE~~]. (a) A  
7 copy of a signed complaint filed by a member of the public against  
8 [~~a law enforcement officer of this state or~~] a fire fighter,  
9 detention officer, or county jailer[~~, or peace officer appointed or~~  
10 ~~employed by a political subdivision of this state~~] shall be given to  
11 the [~~officer or~~] employee within a reasonable time after the  
12 complaint is filed.

13 (b) Disciplinary action may not be taken against the  
14 [~~officer or~~] employee unless a copy of the signed complaint is given  
15 to the [~~officer or~~] employee.

16 (c) In addition to the requirement of Subsection (b), the  
17 [~~officer or~~] employee may not be indefinitely suspended or  
18 terminated from employment based on the subject matter of the  
19 complaint filed by a member of the public unless:

- 20 (1) the complaint is investigated; and  
21 (2) there is evidence to prove the allegation of  
22 misconduct.

23 SECTION 6.06. Effective September 1, 2018, Subchapter B,  
24 Chapter 614, Government Code, is amended by adding Sections  
25 614.024, 614.025, 614.026, and 614.027 to read as follows:

26 Sec. 614.024. COPY OF COMPLAINT FILED BY A MEMBER OF THE  
27 PUBLIC TO BE GIVEN TO PEACE OFFICER. (a) A copy of a complaint

1 filed by a member of the public against a peace officer shall be  
2 given to the peace officer within a reasonable time after the  
3 complaint is filed.

4 (b) Disciplinary action may not be taken against the peace  
5 officer unless a copy of the complaint is given to the peace  
6 officer.

7 (c) In addition to the requirement of Subsection (b), the  
8 peace officer may not be indefinitely suspended or terminated from  
9 employment based on the subject matter of the complaint unless:

10 (1) the complaint is investigated; and

11 (2) the evidence proves the allegation of misconduct.

12 (d) This subchapter does not alter anthe at-will employment  
13 relationship between the peace officer and the law enforcement  
14 agency.

15 Sec. 614.025. INVESTIGATION OF COMPLAINT FILED BY A MEMBER  
16 OF THE PUBLIC AGAINST PEACE OFFICER. (a) A law enforcement agency  
17 shall investigate each complaint filed by a member of the public  
18 against a peace officer and review the available evidence related  
19 to the complaint, including any audio or video recording and any  
20 report filed by the peace officer.

21 (b) A law enforcement agency shall give a copy of any audio  
22 or video evidence related to a complaint against a peace officer to  
23 the complainant on request. This section does not prevent a law  
24 enforcement agency from asserting that any confidential material is  
25 exempt from disclosure under Sections 552.103, 552.107, or 552.108  
26 of the Texas Government Code or under any other basis permitted by  
27 law.

1 (c) If the law enforcement agency determines that there is a  
2 basis for further investigation into a possible violation by a  
3 peace officer, the agency shall notify the peace officer and the  
4 complainant that further investigation will be conducted.

5 (d) If the preliminary review of the evidence clearly  
6 indicates that there is no basis, in law or policy, for the  
7 complaint filed by a member of the public, the law enforcement  
8 agency shall notify the peace officer and the complainant that the  
9 complaint is without merit.

10 (e) An investigation must be completed not later than the  
11 180th day after the date a complaint is filed. The law enforcement  
12 agency shall provide the complainant an update on the progress of  
13 the investigation at least once every two months during that  
14 period.

15 Sec. 614.026. APPEAL OF COMPLAINT FILED BY A MEMBER OF THE  
16 PUBLIC AGAINST PEACE OFFICER. (a) A law enforcement agency shall  
17 adopt and implement procedures for the appeal by a complainant of a  
18 decision to dismiss a complaint filed by a member of the public by  
19 the complainant, against a peace officer because the complaint is  
20 determined to be without merit. The procedures must allow the  
21 complainant to provide the agency additional evidence relating to  
22 the complaint, including witness statements.

23 (b) A peace officer may appeal a decision relating to a  
24 complaint filed by a member of the public against the peace officer  
25 under the procedures established under applicable law, including  
26 under a meet and confer agreement, a collective bargaining  
27 agreement, or Chapter 142, 143, or 174, Local Government Code.

1        Sec. 614.027. DATA RELATING TO COMPLAINTS FILED BY MEMBERS  
2 OF THE PUBLIC AGAINST PEACE OFFICERS. (a) A law enforcement agency  
3 shall provide data relating to complaints filed by members of the  
4 public against peace officers of the agency, including the outcome  
5 of each complaint, to the Institute for Urban Policy Research &  
6 Analysis at The University of Texas at Austin.

7        (b) A law enforcement agency shall adopt the model standard  
8 procedures promulgated by the Bill Blackwood Law Enforcement  
9 Management Institute of Texas or the agency's own procedures to  
10 implement this section.

11        SECTION 6.07. Section [142.067](#), Local Government Code, is  
12 amended to read as follows:

13        Sec. 142.067. AGREEMENT SUPERSEDES CONFLICTING PROVISIONS.  
14 (a) Except as provided by Subsection (b), a [A] written meet and  
15 confer agreement ratified under this subchapter preempts, during  
16 the term of the agreement and to the extent of any conflict, all  
17 contrary state statutes, local ordinances, executive orders, civil  
18 service provisions, or rules adopted by the head of the law  
19 enforcement agency or municipality or by a division or agent of the  
20 municipality, such as a personnel board or a civil service  
21 commission.

22        (b) An agreement under this subchapter may not conflict with  
23 and does not supersede Subchapter B, Chapter [614](#), Government Code,  
24 or Article 2.1386, Code of Criminal Procedure.

25        SECTION 6.08. Section [143.307](#), Local Government Code, is  
26 amended by amending Subsections (a) and (b) and adding Subsection  
27 (d) to read as follows:

1           (a) Except as provided by Subsection (d), an [An] agreement  
2 under this subchapter supersedes a previous statute concerning  
3 wages, salaries, rates of pay, hours of work, or other terms and  
4 conditions of employment to the extent of any conflict with the  
5 statute.

6           (b) Except as provided by Subsection (d), an [An] agreement  
7 under this subchapter preempts any contrary statute, executive  
8 order, local ordinance, or rule adopted by the state or a political  
9 subdivision or agent of the state, including a personnel board, a  
10 civil service commission, or a home-rule municipality.

11           (d) An agreement under this subchapter affecting police  
12 officers may not conflict with and does not supersede Subchapter B,  
13 Chapter 614, Government Code, or Article 2.1386, Code of Criminal  
14 Procedure.

15           SECTION 6.09. Section 143.361, Local Government Code, is  
16 amended by amending Subsections (a) and (b) and adding Subsection  
17 (d) to read as follows:

18           (a) Except as provided by Subsection (d), a [A] written  
19 agreement ratified under this subchapter between a public employer  
20 and the bargaining agent supersedes a previous statute concerning  
21 wages, salaries, rates of pay, hours of work, and other terms of  
22 employment other than pension benefits to the extent of any  
23 conflict with the previous statute.

24           (b) Except as provided by Subsection (d), a [A] written  
25 agreement ratified under this subchapter preempts all contrary  
26 local ordinances, executive orders, legislation, or rules adopted  
27 by the state or a political subdivision or agent of the state, such



1 as a personnel board, a civil service commission, or a home-rule  
2 municipality.

3 (d) An agreement under this subchapter may not conflict with  
4 and does not supersede Subchapter B, Chapter 614, Government Code,  
5 or Article 2.1386, Code of Criminal Procedure.

6 SECTION 6.10. Section 174.005, Local Government Code, is  
7 amended to read as follows:

8 Sec. 174.005. PREEMPTION OF OTHER LAW. (a) Except as  
9 provided by Subsection (b), this [~~This~~] chapter preempts all  
10 contrary local ordinances, executive orders, legislation, or rules  
11 adopted by the state or by a political subdivision or agent of the  
12 state, including a personnel board, civil service commission, or  
13 home-rule municipality.

14 (b) This chapter does not authorize the adoption or  
15 implementation of an agreement that conflicts with Subchapter B,  
16 Chapter 614, Government Code, or Article 2.1386, Code of Criminal  
17 Procedure.

18 SECTION 6.11. Sections 142.067(b), 143.307(d), 143.361(d),  
19 and 174.005(b), Local Government Code, as added by this article,  
20 apply only to an agreement entered into or renewed on or after  
21 September 1, 2018. An agreement entered into or renewed before  
22 September 1, 2018, is governed by the law in effect on the date the  
23 agreement was entered into or renewed, and the former law is  
24 continued in effect for that purpose.

25 SECTION 6.12. (a) Not later than December 31, 2017, the  
26 Bill Blackwood Law Enforcement Management Institute of Texas, in  
27 consultation with large, medium, and small law enforcement

1 agencies, law enforcement associations, and community  
2 organizations engaged in the development of law enforcement policy  
3 on behalf of the public, shall develop, adopt, and disseminate to  
4 all law enforcement agencies in this state:

5 (1) the model standard procedures for a law  
6 enforcement agency to process a complaint filed by a member of the  
7 public against a peace officer, in accordance with Subchapter B,  
8 Chapter 614, Government Code, as amended by this article; and

9 (2) the model standard procedures for a law  
10 enforcement agency to report data relating to complaints against  
11 peace officers by members of the public to the Institute for Urban  
12 Policy Research & Analysis at The University of Texas at Austin,  
13 under Section 614.027, Government Code, as added by this article.

14 (b) Not later than September 1, 2018, each law enforcement  
15 agency of this state shall adopt the procedures required by  
16 Subchapter B, Chapter 614, Government Code, as amended by this  
17 article.

18 ARTICLE 7. INDEPENDENT OMBUDSMAN

19 SECTION 7.01. Section 261.001, Human Resources Code, is  
20 amended by adding Subsection (3) and (4) to read as follows:

21 Sec. 261.001. DEFINITIONS. In this chapter:

22 (1) "Independent ombudsman" means the individual who  
23 has been appointed under this chapter to the office of independent  
24 ombudsman.

25 (2) "Office" means the office of independent ombudsman  
26 created under this chapter.

27 (3) "Department" means the Texas Juvenile Justice

1 Department.

2 (4) "County jail" means a facility operated or  
3 contracted by a county for the confinement of persons accused or  
4 convicted an offense.

5 SECTION 7.02. Section 261.002, Human Resources Code, is  
6 amended to read as follows:

7 Sec. 261.002. ESTABLISHMENT; PURPOSE. The office of  
8 independent ombudsman is a state agency established for the purpose  
9 of investigating, evaluating, and securing the rights of the  
10 children committed to the department, including a child released  
11 under supervision before final discharge, and adults confined in  
12 county jails.

13 SECTION 7.03. Section 261.056, Human Resources Code, is  
14 amended by amending subsection (a) to read as follows:

15 Sec. 261.056. COMMUNICATION AND CONFIDENTIALITY. (a) The  
16 department shall allow any child committed to the department, and  
17 the Sheriff shall allow any adult confined in a county jail to  
18 communicate with the independent ombudsman or an assistant to the  
19 ombudsman. The communication:

20 (1) may be in person, by mail, or by any other means;  
21 and

22 (2) is confidential and privileged.

23 SECTION 7.04. Section 261.057, Human Resources Code, is  
24 amended to read as follows:

25 Sec. 261.057. PROMOTION OF AWARENESS OF OFFICE. The  
26 independent ombudsman shall promote awareness among the public and  
27 the children committed to the department, and among persons

1 confined in county jails of:

- 2           (1) how the office may be contacted;
- 3           (2) the purpose of the office; and
- 4           (3) the services the office provides.

5           SECTION 7.05. Section 261.058, Human Resources Code, is  
6 amended by amending subsection (b) to read as follows:

7           (b) The office and the board shall adopt rules necessary to  
8 implement Section 261.060, including rules that establish  
9 procedures for the department and county jails to review and  
10 comment on reports of the office and for the department and county  
11 jails to expedite or eliminate review of and comment on a report  
12 due to an emergency or a serious or flagrant circumstance described  
13 by Section 261.055(b).

14           SECTION 7.06. Section 261.101, Human Resources Code, is  
15 amended by amending subsection (a) to read as follows:

16           Sec. 261.101. DUTIES AND POWERS. (a) The independent  
17 ombudsman shall:

18           (1) review the procedures established by the board and  
19 evaluate the delivery of services to children to ensure that the  
20 rights of children are fully observed;

21           (1-a) evaluate the delivery of services adults in  
22 county jails to ensure that the rights of adults in county jails are  
23 fully observed;

24           (2) review complaints filed with the independent  
25 ombudsman concerning the actions of the department and investigate  
26 each complaint in which it appears that a [~~child~~] person may be in  
27 need of assistance from the independent ombudsman;

1           (3) conduct investigations of complaints, other than  
2 complaints alleging criminal behavior, if the office determines  
3 that:

4           (A) a child committed to the department, an adult  
5 in county jail, or the child's family may be in need of assistance  
6 from the office; or

7           (B) a systemic issue in the department's or a  
8 county jail's provision of services is raised by a complaint;

9           (4) review or inspect periodically the facilities and  
10 procedures of any institution or residence in which a child has been  
11 placed by the department, and the facilities and procedures of any  
12 county jail in which a person is confined, whether public or  
13 private, to ensure that the rights of children and the health and  
14 safety of persons confined in county jails are fully [~~observed~~]  
15 protected;

16           (5) provide assistance to a confined person, child or  
17 family who the independent ombudsman determines is in need of  
18 assistance, including advocating with an agency, provider, or other  
19 person in the best interests of the child or confined person;

20           (6) review court orders as necessary to fulfill its  
21 duties;

22           (7) recommend changes in any procedure relating to the  
23 treatment of children committed to the department, and adults in  
24 county jails;

25           (8) make appropriate referrals under any of the duties  
26 and powers listed in this subsection;

27           (9) supervise assistants who are serving as advocates

1 in their representation of children committed to the department in  
2 internal administrative and disciplinary hearings;

3 (10) review reports received by the department  
4 relating to complaints regarding juvenile probation programs,  
5 services, or facilities and analyze the data contained in the  
6 reports to identify trends in complaints;

7 (11) report a possible standards violation by a local  
8 juvenile probation department to the appropriate division of the  
9 department or a possible standards violation by a county jail to the  
10 Commission on Jail Standards; [~~and~~]

11 (12) immediately report the findings of any  
12 investigation related to the operation of a post-adjudication  
13 correctional facility in a county to the chief juvenile probation  
14 officer and the juvenile board of the county~~[-]~~; and

15 (13) immediately report the substantiated findings of  
16 any investigation related to the health or safety of a person  
17 confined in a county jail to the Sheriff and Commissioners Court of  
18 the county.

19 SECTION 7.07. Section 261.104, Human Resources Code, is  
20 amended by adding subsection (c) to read as follows:

21 c) The office and the Commission on Jail Standards shall  
22 enter into a memorandum of understanding concerning:

23 (1) the most efficient manner in which to share  
24 information with one another; and

25 (2) opportunities for collaboration between the  
26 office and the Commission on Jail Standards.

27 SECTION 7.08. Section 261.151, Human Resources Code, is

1 amended by amending subsection (c) to read as follows:

2 (c) A local law enforcement agency shall allow the  
3 independent ombudsman access to its records relating to any child  
4 in the care or custody of the department or to any records relating  
5 to a person confined in a county jail.

6 SECTION 7.09. Section 261.152, Human Resources Code, is  
7 amended to read as follows:

8 Sec. 261.152. ACCESS TO INFORMATION OF PRIVATE ENTITIES.  
9 The independent ombudsman shall have access to the records of a  
10 private entity that relate to a child committed to the department or  
11 to a person confined in a county jail.

12 ARTICLE 8. EFFECTIVE DATE

13 SECTION 8.01. Except as otherwise provided by this Act,  
14 this Act takes effect September 1, 2017.