

CODE OF CRIMINAL PROCEDURE

TITLE 1. CODE OF CRIMINAL PROCEDURE

CHAPTER 2B. LAW ENFORCEMENT INTERACTIONS WITH PUBLIC

SUBCHAPTER A. GENERAL PROVISIONS

Art. 2B.0001. DEFINITIONS. In this chapter:

(1) "Commission" means the Texas Commission on Law Enforcement.

(2) "Department" means the Department of Public Safety of the State of Texas.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER B. RACIAL PROFILING; MOTOR VEHICLE STOPS

Art. 2B.0051. DEFINITIONS. In this subchapter:

(1) "Bodily injury" has the meaning assigned by Section 1.07, Penal Code.

(2) "Motor vehicle stop" means an occasion in which a peace officer stops a motor vehicle for an alleged violation of a law or ordinance.

(3) "Race or ethnicity" means the following categories:

(A) Alaska native or American Indian;

(B) Asian or Pacific Islander;

(C) black;

(D) Hispanic or Latino; and

(E) white.

(4) "Racial profiling" means a law enforcement-initiated action based on an individual's race, ethnicity, or national origin rather than on the individual's behavior or on information identifying the individual as having engaged in criminal activity.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0052. RACIAL PROFILING PROHIBITED. A peace officer may not engage in racial profiling.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0053. LAW ENFORCEMENT POLICY ON RACIAL PROFILING.

(a) In this article, "law enforcement agency" means an agency of this state, or of a county, municipality, or other political subdivision of this state, that employs peace officers who make motor vehicle stops in the routine performance of the officers' official duties.

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

(1) clearly define acts constituting racial profiling;

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

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

(4) provide public education relating to the agency's compliment and complaint process, including providing the telephone number, mailing address, and e-mail address to make a compliment or complaint with respect to each ticket, citation, or warning issued by a peace officer;

(5) require the agency employing a peace officer to take appropriate corrective action against the peace officer after an investigation shows that the peace officer has engaged in racial profiling in violation of the agency's policy adopted under this article;

(6) require collection of information relating to motor vehicle stops in which a ticket, citation, or warning is issued and to arrests made as a result of those stops, including information relating to:

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

(B) whether a search was conducted and, if so, whether the individual detained consented to the search;

(C) whether the peace officer knew the race or ethnicity of the individual detained before detaining that individual;

(D) whether the peace officer used physical force that resulted in bodily injury during the stop;

(E) the location of the stop; and

(F) the reason for the stop; and

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

(A) the commission; and

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

(c) On the commencement of an investigation by a law enforcement agency of a complaint described by Subsection (b)(3) in which there is a video or audio recording of the occurrence that is the basis for the complaint, the agency shall promptly provide a copy of the recording to the peace officer who is the subject of the complaint on written request by the officer for a copy of the recording.

(d) A law enforcement agency shall review the data collected under Subsection (b)(6) to identify any improvements the agency could make in the agency's practices and policies regarding motor vehicle stops.

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

(f) The commission shall begin disciplinary procedures against the chief administrator of a law enforcement agency if the commission finds that the chief administrator intentionally failed to submit a report required under Subsection (b)(7).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0054. REPORTS REQUIRED FOR MOTOR VEHICLE STOPS.

(a) A peace officer who makes a motor vehicle stop shall report to the law enforcement agency that employs the officer information relating to the stop, including:

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

(A) the individual's gender; and

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

(2) the initial reason for the stop;

(3) whether the officer conducted a search as a result of the stop and, if so:

(A) whether the individual detained consented to the search;

(B) the reason for the search, including whether:

(i) any contraband or other evidence was in plain view;

(ii) any probable cause or reasonable suspicion existed to perform the search; or

(iii) the search was performed because the motor vehicle was towed or because of the arrest of any individual in the motor vehicle; and

(C) whether any contraband or other evidence was discovered during the search and a description of the contraband or evidence;

(4) whether the officer made an arrest as a result of the stop or the search and, if so, a statement of:

(A) whether the arrest was based on:

(i) a violation of the Penal Code;

(ii) a violation of a traffic law or ordinance; or

- (iii) an outstanding warrant; and
- (B) the offense charged;
- (5) the street address or approximate location of the stop;
- (6) whether the officer issued a verbal or written warning or a ticket or citation as a result of the stop; and
- (7) whether the officer used physical force that resulted in bodily injury during the stop.

(b) The chief administrator of a law enforcement agency, regardless of whether the administrator is elected, employed, or appointed, is responsible for auditing reports under Subsection (a) to ensure that the race or ethnicity of the individual operating the motor vehicle is reported.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0055. COMPILATION AND ANALYSIS OF INFORMATION COLLECTED. (a) A law enforcement agency shall compile and analyze the information contained in each report received by the agency under Article [2B.0054](#).

(b) Not later than March 1 of each year, each law enforcement agency shall submit a report containing the incident-based data compiled during the previous calendar year to:

- (1) the commission; and
- (2) the governing body of each county or municipality served by the agency, if the law enforcement agency is a local law enforcement agency.

(c) A report required under Subsection (b) must be submitted by the chief administrator of the law enforcement agency, regardless of whether the administrator is elected, employed, or appointed. The report must include:

(1) a comparative analysis of the information compiled under Article [2B.0054](#) to:

(A) evaluate and compare the number of motor vehicle stops, within the applicable jurisdiction, of:

(i) individuals recognized as members of racial or ethnic minority groups; and

(ii) individuals not recognized as members of racial or ethnic minority groups;

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

(C) evaluate and compare the number of searches resulting from motor vehicle stops within the applicable jurisdiction and whether contraband or other evidence was discovered during those searches; and

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

(d) A report required under Subsection (b) may not include identifying information about a peace officer who makes a motor vehicle stop or about an individual who is stopped or arrested by a peace officer. This subsection does not affect the reporting of information required under Article [2B.0054](#)(a)(1).

(e) The commission, in accordance with Section [1701.162](#), Occupations Code, shall develop guidelines for compiling and reporting information as required by this article.

(f) The commission shall begin disciplinary procedures against the chief administrator of a law enforcement agency if the commission finds that the chief administrator intentionally failed to submit a report required under Subsection (b).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0056. PRIMA FACIE EVIDENCE. The data collected as a result of the reporting requirements of Articles [2B.0053](#) and [2B.0055](#) does not constitute prima facie evidence of racial profiling.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0057. LIABILITY. A peace officer is not liable for

damages arising from an act relating to the collection or reporting of information as required by Article [2B.0054](#) or under a policy adopted under Article [2B.0053](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0058. CIVIL PENALTY. (a) If the chief administrator of a local law enforcement agency intentionally fails to submit the incident-based data required by Article [2B.0055](#), the agency is liable to the state for a civil penalty in an amount not to exceed \$5,000 for each violation. The attorney general may sue to collect a civil penalty under this subsection.

(b) From money appropriated to the agency for the administration of the agency, the executive director of a state law enforcement agency that intentionally fails to submit the incident-based data required by Article [2B.0055](#) shall remit to the comptroller the amount of \$1,000 for each violation.

(c) Money collected under this article shall be deposited in the state treasury to the credit of the general revenue fund.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0059. RULES. The department may adopt rules to implement Articles [2B.0052](#), [2B.0053](#), [2B.0054](#), [2B.0055](#), [2B.0056](#), and [2B.0057](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER C. BODY WORN CAMERA PROGRAM

Art. 2B.0101. DEFINITIONS. In this subchapter:

(1) "Body worn camera" means a recording device that is:

(A) capable of recording, or transmitting to be recorded remotely, video or audio; and

(B) worn on the person of a peace officer, which includes being attached to the officer's clothing or worn as

glasses.

(2) "Officer" and "peace officer" have the meanings assigned by Section [1701.001](#), Occupations Code.

(3) "Private space" means a location in which an individual has a reasonable expectation of privacy, including an individual's home.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0102. GRANTS FOR BODY WORN CAMERAS. (a) A police department of a municipality in this state, a sheriff of a county in this state who has received the approval of the commissioners court for the purpose, or the department may apply to the governor's office for a grant to defray the cost of implementing this subchapter and to equip peace officers with body worn cameras if that law enforcement agency employs officers who:

(1) engage in traffic or highway patrol or otherwise regularly detain or stop motor vehicles; or

(2) are primary responders who respond directly to calls for assistance from the public.

(b) The governor's office shall set deadlines for applications for grants under this subchapter.

(c) Except as provided by Subsection (d), the governor's office shall create and implement a matching grant program under which matching funds from federal, state, local, and other funding sources may be required as a condition of the grant. A law enforcement agency that receives a grant under this article is required to match 25 percent of the grant money.

(d) The department is eligible for grants under this subchapter but is not subject to any requirement for matching funds.

(e) The governor's office may conditionally award a grant to a law enforcement agency that has not adopted and implemented the policy under Article [2B.0106](#) or implemented the training required under Article [2B.0107](#). Money may not be disbursed to the law enforcement agency until the agency fully complies with those articles.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0103. GRANTS FOR BODY WORN CAMERA DATA STORAGE.

(a) A law enforcement agency in this state that provides body worn cameras to its peace officers may apply to the office of the governor for a grant to defray the cost of data storage for recordings created with the body worn cameras.

(b) The grant program established by this article may be funded by federal funds or by gifts, grants, and donations.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0104. REPORTING. (a) As a condition of receiving a grant under this subchapter, a law enforcement agency shall report to the commission annually regarding the costs of implementing a body worn camera program, including all known equipment costs and costs for data storage.

(b) The commission shall compile the information submitted under Subsection (a) into a report and submit the report to the governor's office and the legislature not later than December 1 of each year.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0105. INTERAGENCY OR INTERLOCAL CONTRACTS. A law enforcement agency in this state may enter into an interagency or interlocal contract to receive body worn camera services and have the identified operations performed through a program established by the Department of Information Resources.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0106. BODY WORN CAMERA POLICY. (a) A law enforcement agency that receives a grant to provide body worn cameras to the agency's peace officers or that otherwise operates a body worn camera program shall adopt a policy for the use of body

worn cameras.

(b) A policy described by Subsection (a) must ensure that a body worn camera is activated only for a law enforcement purpose and must include:

(1) guidelines for when a peace officer should activate a camera or discontinue a recording currently in progress, considering the need for privacy in certain situations and at certain locations;

(2) provisions relating to:

(A) data retention, including a provision requiring the retention of video for at least 90 days;

(B) storage of video and audio;

(C) creation of backup copies of the video and audio;

(D) maintenance of data security; and

(E) the collection of a body worn camera, including the applicable video and audio recorded by the camera, as evidence;

(3) guidelines for public access, through open records requests, to recordings that are public information;

(4) provisions entitling an officer to access any recording of an incident involving the officer before the officer is required to make a statement about the incident;

(5) procedures for supervisory or internal review; and

(6) provisions for the handling and documenting of equipment and malfunctions of equipment.

(c) A policy described by Subsection (a) may not require a peace officer to keep a body worn camera activated for the entire period of the officer's shift.

(d) A policy described by Subsection (a) must require a peace officer who is equipped with a body worn camera and actively participating in an investigation to keep the camera activated for the entirety of the officer's active participation in the investigation unless the camera has been deactivated in compliance with that policy.

(e) A policy adopted under this article must be consistent with the Federal Rules of Evidence and Texas Rules of Evidence.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0107. TRAINING. (a) Before a law enforcement agency may operate a body worn camera program, the agency must provide training to:

(1) peace officers who will wear the body worn cameras; and

(2) any other personnel who will come into contact with video and audio data obtained from the use of body worn cameras.

(b) The commission, in consultation with the department, the Bill Blackwood Law Enforcement Management Institute of Texas, the Caruth Police Institute at Dallas, and the Texas Police Chiefs Association, shall develop or approve a curriculum for a training program under this article.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0108. RECORDING INTERACTIONS WITH PUBLIC. (a) A peace officer equipped with a body worn camera shall act in a manner that is consistent with the policy of the law enforcement agency that employs the officer with respect to when and under what circumstances a body worn camera must be activated.

(b) A peace officer equipped with a body worn camera may choose not to activate a camera or may choose to discontinue a recording currently in progress for any encounter with an individual that is not related to an investigation.

(c) A peace officer who does not activate a body worn camera in response to a call for assistance shall include in the officer's incident report or otherwise note in the case file or record the reason for not activating the camera.

(d) Any justification for failing to activate the body worn camera because it is unsafe, unrealistic, or impracticable must be based on whether a reasonable officer under the same or similar circumstances would have made the same decision.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec.

1.001, eff. January 1, 2025.

Art. 2B.0109. USE OF PERSONAL EQUIPMENT. (a) If a law enforcement agency receives a grant under Article 2B.0102, a peace officer who is employed by the agency and who is on duty may only use a body worn camera that is issued and maintained by that agency.

(b) Notwithstanding any previous policy, an agency may not allow its peace officers to use privately owned body worn cameras after receiving a grant described by this article.

(c) A peace officer who is employed by a law enforcement agency that has not received a grant described by this article or who has not otherwise been provided with a body worn camera by the agency that employs the officer may operate a body worn camera that is privately owned only if permitted by the employing agency.

(d) An agency that authorizes the use of privately owned body worn cameras under Subsection (c) must make provisions for the security and compatibility of the recordings made by those cameras. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0110. OFFENSE. (a) A peace officer or other employee of a law enforcement agency commits an offense if the officer or employee releases a recording created with a body worn camera under this subchapter without permission of the applicable law enforcement agency.

(b) An offense under this article is a Class A misdemeanor. Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0111. RECORDINGS AS EVIDENCE. (a) Except as provided by Subsections (b) and (c), a recording created with a body worn camera that documents an incident that involves the use of deadly force by a peace officer or that is otherwise related to an administrative or criminal investigation of an officer may not be deleted, destroyed, or released to the public until all criminal matters have been finally adjudicated and all related administrative investigations have concluded.

(b) A law enforcement agency may permit an individual who is depicted in a recording of an incident described by Subsection (a) or, if the individual is deceased, the individual's authorized representative, to view the recording, if the law enforcement agency determines that the viewing furthers a law enforcement purpose and any authorized representative who is permitted to view the recording was not a witness to the incident. An individual viewing a recording under this subsection may not duplicate the recording or capture video or audio from the recording. A permitted viewing of a recording under this subsection is not considered to be a release of public information for purposes of Chapter 552, Government Code.

(c) A law enforcement agency may release to the public a recording described by Subsection (a) if the law enforcement agency determines that the release furthers a law enforcement purpose.

(d) This article does not affect the authority of a law enforcement agency to withhold under Section 552.108, Government Code, information related to a closed criminal investigation that did not result in a conviction or a grant of deferred adjudication community supervision.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0112. RELEASE OF INFORMATION RECORDED BY BODY WORN CAMERA. (a) A member of the public who submits a written request to a law enforcement agency for information recorded by a body worn camera must include with the request:

- (1) the date and approximate time of the recording;
- (2) the specific location where the recording occurred; and
- (3) the name of one or more individuals known to be a subject of the recording.

(b) Failure to provide all of the information required by Subsection (a) does not preclude the requestor from making a future request for the same recorded information.

(c) Except as provided by Subsection (d), information recorded by a body worn camera and held by a law enforcement agency

under this subchapter is not subject to Section 552.021, Government Code.

(d) Information that is or could be used as evidence in a criminal prosecution is subject to Section 552.021, Government Code.

(e) A law enforcement agency may:

(1) seek to withhold information subject to Subsection (d) in accordance with procedures provided by Section 552.301, Government Code;

(2) assert any exception to disclosure under Chapter 552, Government Code, or other law; or

(3) release information requested in accordance with Subsection (a) after the agency redacts any information made confidential under Chapter 552, Government Code, or other law.

(f) A law enforcement agency may not release any portion of a recording made in a private space, or of a recording involving the investigation of conduct that constitutes a misdemeanor punishable by fine only and does not result in arrest, without written authorization from the individual who is the subject of that portion of the recording or, if the individual is deceased, from the individual's authorized representative.

(g) The attorney general shall set a proposed fee to be charged to members of the public who seek to obtain a copy of a recording under this article in an amount sufficient to cover the cost of reviewing and making the recording. A law enforcement agency may provide a copy without charge or at a reduced charge if the agency determines that waiver or reduction of the charge is in the public interest.

(h) A recording is confidential and excepted from the requirements of Chapter 552, Government Code, if the recording:

(1) was not required to be made under this subchapter, another law, or a policy adopted by the appropriate law enforcement agency; and

(2) does not relate to a law enforcement purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0113. BODY WORN CAMERA RECORDINGS; REQUEST FOR ATTORNEY GENERAL DECISION REGARDING PUBLIC INFORMATION.

(a) Notwithstanding Section 552.301(b), Government Code, a governmental body's request for a decision from the attorney general about whether a requested body worn camera recording falls within an exception to public disclosure is considered timely if made not later than the 20th business day after the date of receipt of the written request.

(b) Notwithstanding Section 552.301(d), Government Code, a governmental body's response to a requestor regarding a requested body worn camera recording is considered timely if made not later than the 20th business day after the date of receipt of the written request.

(c) Notwithstanding Section 552.301(e), Government Code, a governmental body's submission to the attorney general of the information required by that subsection regarding a requested body worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

(d) Notwithstanding Section 552.301(e-1), Government Code, a governmental body's submission to a requestor of the information required by that subsection regarding a requested body worn camera recording is considered timely if made not later than the 25th business day after the date of receipt of the written request.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0114. PRODUCTION OF BODY WORN CAMERA RECORDING IN RESPONSE TO VOLUMINOUS PUBLIC INFORMATION REQUESTS. (a) For purposes of this article, "voluminous request" includes:

(1) a request for body worn camera recordings from more than five separate incidents;

(2) more than five separate requests for body worn camera recordings from the same individual in a 24-hour period, regardless of the number of incidents included in each request; and

(3) a request or multiple requests from the same individual in a 24-hour period for body worn camera recordings

that, taken together, constitute more than five hours of video footage.

(b) Notwithstanding Section 552.221(d), Government Code, an officer for public information who is employed by a governmental body and who receives a voluminous request in accordance with Article 2B.0112(a) is considered to have promptly produced the information for purposes of Section 552.221, Government Code, if the officer takes the actions required under Section 552.221 not later than the 20th business day after the date of receipt of the written request.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER D. VIDEO AND AUDIO EQUIPMENT AND RECORDINGS OF MOTOR VEHICLE STOPS

Art. 2B.0151. FEASIBILITY OF VIDEO AND AUDIO EQUIPMENT AND RECORDINGS FOR MOTOR VEHICLE STOPS. (a) In this article:

(1) "Law enforcement agency" has the meaning assigned by Article 2B.0053.

(2) "Motor vehicle stop" has the meaning assigned by Article 2B.0051.

(b) On adoption of a policy under Article 2B.0053(b), a law enforcement agency shall examine the feasibility of:

(1) installing video camera and transmitter-activated equipment in each agency law enforcement motor vehicle that is regularly used to make motor vehicle stops;

(2) installing transmitter-activated equipment in each agency law enforcement motorcycle regularly used to make motor vehicle stops; and

(3) equipping with a body worn camera, as that term is defined by Article 2B.0101, each peace officer who regularly detains or stops motor vehicles.

(c) If a law enforcement agency installs video or audio equipment or equips peace officers with body worn cameras as provided by this article, the policy adopted by the agency under Article 2B.0053(b) must include standards for reviewing video and

audio documentation.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0152. PROVISION OF MONEY OR EQUIPMENT. (a) The department shall adopt rules for providing money or video and audio equipment to law enforcement agencies to:

(1) install video and audio equipment in law enforcement motor vehicles and motorcycles; or

(2) equip peace officers with body worn cameras.

(b) The rules described by Subsection (a) must specify criteria to prioritize money or equipment provided to law enforcement agencies. The criteria may include consideration of tax effort, financial hardship, available revenue, and budget surpluses. The criteria must give priority to:

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

(2) smaller jurisdictions; and

(3) municipal and county law enforcement agencies.

(c) The department shall collaborate with an institution of higher education to identify law enforcement agencies that need money or video and audio equipment for a purpose described by Subsection (a). The collaboration may include the use of a survey to assist in developing criteria to prioritize money or equipment provided to law enforcement agencies.

(d) To receive money or video and audio equipment from the state for a purpose described by Subsection (a), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the department that the law enforcement agency needs money or video and audio equipment for that purpose.

(e) On receipt of money or video and audio equipment from the state for a purpose described by Subsection (a), the governing body of a county or municipality, in conjunction with the law enforcement agency serving the county or municipality, shall certify to the department that the law enforcement agency:

(1) has taken the necessary actions to use the video

and audio equipment or body worn cameras for that purpose; and

(2) is using the video and audio equipment or body worn cameras for that purpose.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0153. RULES. The department may adopt rules to implement Articles 2B.0151 and 2B.0152.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0154. VIDEO RECORDINGS OF ARRESTS FOR INTOXICATION OFFENSES. An individual stopped or arrested on suspicion of an offense under Section 49.04, 49.045, 49.07, or 49.08, Penal Code, is entitled to receive from the law enforcement agency employing the peace officer who made the stop or arrest a copy of any video made by or at the direction of the officer that contains footage of:

(1) the stop;

(2) the arrest;

(3) the conduct of the individual stopped during any interaction with the officer, including during the administration of a field sobriety test; or

(4) a procedure in which a specimen of the individual's breath or blood is taken.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER E. ELECTRONIC RECORDING OF CUSTODIAL INTERROGATIONS

Art. 2B.0201. DEFINITIONS. In this subchapter:

(1) "Electronic recording" means an audiovisual electronic recording, or an audio recording if an audiovisual electronic recording is unavailable, that is authentic, accurate, and unaltered.

(2) "Law enforcement agency" means an agency of this state, or of a county, municipality, or other political subdivision of this state, that employs peace officers who, in the routine

performance of the officers' duties, conduct custodial interrogations of individuals suspected of committing criminal offenses.

(3) "Place of detention" means a police station or other building that is a place of operation for a law enforcement agency, including a municipal police department or county sheriff's department, and is owned or operated by the law enforcement agency to detain individuals in connection with the suspected violation of a penal law. The term does not include a courthouse.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0202. RECORDING OF CUSTODIAL INTERROGATION REQUIRED; EXCEPTIONS. (a) Unless good cause exists that makes electronic recording infeasible, a law enforcement agency shall make a complete and contemporaneous electronic recording of any custodial interrogation that occurs in a place of detention and is of an individual suspected of committing or charged with the commission of an offense under the following provisions of the Penal Code:

- (1) Section 19.02 (murder);
- (2) Section 19.03 (capital murder);
- (3) Section 20.03 (kidnapping);
- (4) Section 20.04 (aggravated kidnapping);
- (5) Section 20A.02 (trafficking of persons);
- (6) Section 20A.03 (continuous trafficking of persons);
- (7) Section 21.02 (continuous sexual abuse of young child or disabled individual);
- (8) Section 21.11 (indecentcy with a child);
- (9) Section 21.12 (improper relationship between educator and student);
- (10) Section 22.011 (sexual assault);
- (11) Section 22.021 (aggravated sexual assault); or
- (12) Section 43.25 (sexual performance by a child).

(b) For purposes of Subsection (a), an electronic recording of a custodial interrogation is complete only if the recording:

(1) begins at or before the time the individual being interrogated enters the area of the place of detention in which the custodial interrogation will take place or receives a warning described by Section 2(a), Article 38.22, whichever is earlier; and

(2) continues until the time the interrogation ends.

(c) For purposes of Subsection (a), good cause that makes electronic recording infeasible includes the following:

(1) the individual being interrogated refused to respond or cooperate in a custodial interrogation at which an electronic recording was being made, provided that:

(A) a contemporaneous recording of the refusal was made; or

(B) the peace officer or agent of the law enforcement agency conducting the interrogation attempted, in good faith, to record the individual's refusal but the individual was unwilling to have the refusal recorded, and the peace officer or agent contemporaneously, in writing, documented the refusal;

(2) the statement was not made as the result of a custodial interrogation, including a statement that was made spontaneously by the accused and not in response to a question by a peace officer;

(3) the peace officer or agent of the law enforcement agency conducting the interrogation attempted, in good faith, to record the interrogation but:

(A) the recording equipment did not function;

(B) the officer or agent inadvertently operated the equipment incorrectly; or

(C) the equipment malfunctioned or stopped operating without the knowledge of the officer or agent;

(4) exigent public safety concerns prevented or rendered infeasible the making of an electronic recording of the statement; or

(5) the peace officer or agent of the law enforcement agency conducting the interrogation reasonably believed at the time the interrogation commenced that the individual being interrogated was not taken into custody for or being interrogated concerning the commission of an offense listed in Subsection (a).

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0203. PUBLIC DISCLOSURE. A recording of a custodial interrogation that complies with this subchapter is exempt from public disclosure as provided by Section 552.108, Government Code.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER F. USE OF FORCE

Art. 2B.0251. INTERVENTION REQUIRED FOR EXCESSIVE FORCE; REPORT REQUIRED. (a) A peace officer has a duty to intervene to stop or prevent another peace officer from using force against a person suspected of committing an offense if:

(1) the amount of force exceeds that which is reasonable under the circumstances; and

(2) the officer knows or should know that the other officer's use of force:

(A) violates state or federal law;

(B) puts a person at risk of bodily injury, as defined by Section 1.07, Penal Code, and is not immediately necessary to avoid imminent bodily injury to a peace officer or other person; and

(C) is not required to apprehend the person suspected of committing an offense.

(b) A peace officer who witnesses the use of excessive force by another peace officer shall promptly make a detailed report of the incident and deliver the report to the supervisor of the peace officer making the report.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0252. USE OF NECK RESTRAINTS DURING SEARCH OR ARREST PROHIBITED. A peace officer may not intentionally use a choke hold, carotid artery hold, or similar neck restraint in searching

or arresting a person unless the restraint is necessary to prevent serious bodily injury to or the death of the officer or another person.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

Art. 2B.0253. LAW ENFORCEMENT POLICY ON USE OF FORCE BY DRONE. (a) In this article:

(1) "Drone" means an unmanned aircraft, watercraft, or ground vehicle or a robotic device that:

(A) is controlled remotely by a human operator; or

(B) operates autonomously through computer software or other programming.

(2) "Law enforcement agency" means an agency of the state or an agency of a political subdivision of the state authorized by law to employ peace officers.

(b) Each law enforcement agency that uses or intends to use a drone for law enforcement purposes shall:

(1) adopt a written policy regarding the agency's use of force by means of a drone, before the agency first uses a drone, and update the policy as necessary; and

(2) not later than January 1 of each even-numbered year, submit the policy to the commission in the manner prescribed by the commission.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. 4504), Sec. 1.001, eff. January 1, 2025.

SUBCHAPTER G. DUTY TO REQUEST AND RENDER AID

Art. 2B.0301. DUTY TO REQUEST AND RENDER AID. (a) Except as provided by Subsection (b), a peace officer who encounters an injured person while discharging the officer's official duties shall immediately and as necessary:

(1) request emergency medical services personnel to provide the person with emergency medical services; and

(2) while waiting for emergency medical services

personnel to arrive, provide first aid or treatment to the person to the extent of the officer's skill and training.

(b) The peace officer is not required to request emergency medical services or provide first aid or treatment under Subsection (a) if:

(1) making the request or providing the treatment would expose the officer or another person to a risk of bodily injury; or

(2) the officer is injured and physically unable to make the request or provide the treatment.

Added by Acts 2023, 88th Leg., R.S., Ch. 765 (H.B. [4504](#)), Sec. 1.001, eff. January 1, 2025.