

BILL SUMMARY
2nd Session of the 58th Legislature

Bill No.:	HB4398
Version:	FullPCS1
Request Number:	10284
Author:	Pittman
Date:	2/22/2022
Impact:	Please see previous summary of this measure

Research Analysis

The proposed committee substitute to HB 4398 modifies the use of deadly force by law enforcement officers. The measure prohibits the firing of a weapon at a moving motor vehicle except to disable or slow down the motor vehicle. The measure requires de-escalation techniques to be used before resorting to deadly force. The measure provides that the standard of force is to be measured in an objective context, not a subjective one. The level of force that officers are permitted to use to detain or arrest a suspect must be proportional to the level of force used by the suspect; whether the suspect is known to be armed; the severity of the criminal activity involved; the actual level of danger that the suspect poses to the officers and the public; and the necessary force to effectuate arrest safely. The measure requires every law enforcement agency to adopt written policies and procedures concerning the pursuit of fleeing suspects. The policies must prohibit high-speed pursuits in densely populated areas and prohibit shooting at moving vehicles. The policy must require that officers pursue a felon only when there is a reasonable certainty that apprehension of the person will prevent further physical harm to other individuals or the officer; that a pursuit end if significant property damage or harm seems probable; and prohibits shooting at a fleeing individual who presents no immediate harm to an officer. The measure provides that alleged misdemeanants may only be pursued if there is reasonable certainty in the apprehension without damage to public property or harm to innocent persons. The measure prohibits vehicular pursuit unless probable cause exists to believe that the person being pursued committed or is committing: murder; aggravated assault and battery; kidnapping, false imprisonment, or a related offense; rape; armed robbery; or any other offense that creates an immediate threat of death or serious bodily injury to another.

Prepared By: Brad Wolgamott

Fiscal Analysis

The measure is currently under review and impact information will be completed.

Prepared By: Mark Tygret

Other Considerations

None.