

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Herod

1 Amend reengrossed bill, page 12, line 5, after "FORCE," insert "A CRIME
2 INVOLVING THE FAILURE TO INTERVENE IN THE USE OF UNLAWFUL FORCE,".

3 Page 12, line 7, after "SECTION," insert "OR IS FOUND CIVILLY LIABLE FOR
4 FAILURE TO INTERVENE IN THE USE OF UNLAWFUL FORCE,".

5 Page 16, line 10, strike "**officers.**" and substitute "**officers - duty to**
6 **intervene.**".

7 Page 17, after line 7, insert:

8 "(d) ANY PEACE OFFICER WHO FAILS TO INTERVENE TO PREVENT
9 THE USE OF UNLAWFUL FORCE AS PRESCRIBED IN THIS SUBSECTION (1.5)
10 COMMITS A CLASS 1 MISDEMEANOR. NOTHING IN THIS SUBSECTION (1.5)
11 SHALL PROHIBIT OR DISCOURAGE PROSECUTION OF ANY OTHER CRIMINAL
12 OFFENSE RELATED TO FAILURE TO INTERVENE, INCLUDING A HIGHER
13 CHARGE, IF SUPPORTED BY THE EVIDENCE.

14 (e) WHEN AN ADMINISTRATIVE LAW JUDGE OR INTERNAL
15 INVESTIGATION FINDS THAT A PEACE OFFICER FAILED TO INTERVENE TO
16 PREVENT THE USE OF UNLAWFUL PHYSICAL FORCE AS PRESCRIBED IN THIS
17 SUBSECTION (1.5), THIS FINDING MUST BE PRESENTED TO THE DISTRICT
18 ATTORNEY SO THAT HE OR SHE CAN DETERMINE WHETHER CHARGES
19 SHOULD BE FILED PURSUANT TO SUBSECTION (1.5)(d) OF THIS SECTION.
20 HOWEVER, NOTHING IN THIS SUBSECTION (1.5)(e) PROHIBITS THE DISTRICT
21 ATTORNEY FROM CHARGING AN OFFICER WITH FAILURE TO INTERVENE
22 BEFORE THE CONCLUSION OF ANY INTERNAL INVESTIGATION."

23 Reletter succeeding paragraph accordingly.

24 Page 17, line 9, strike "A COURT," and substitute "AN" and strike "JUDGE,"
25 and substitute "JUDGE".

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