

## **BILL ANALYSIS**

C.S.S.B. 1529  
By: Burton  
Homeland Security & Public Safety  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Interested parties note that the Texas Commission on Law Enforcement (TCOLE) is responsible for ensuring that a law enforcement agency or police department created on or after September 1, 2009, meet certain requirements and standards. The parties further note, however, that there have been several agencies and departments that fail to maintain those minimum requirements and standards, but TCOLE has no statutory authority to adequately regulate those noncompliant agencies and departments. C.S.S.B. 1529 seeks to provide TCOLE a mechanism for bringing noncompliant agencies and departments back into compliance.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 1529 amends the Occupations Code to prohibit an entity authorized by statute or by the constitution to create a law enforcement agency or police department and to commission, appoint, or employ officers, and that first creates such an agency or department and first begins to commission, appoint, or employ officers on or after September 1, 2009, from beginning operation of the agency or department unless the Texas Commission on Law Enforcement (TCOLE) issues the entity an agency number for the agency or department and the entity submits to TCOLE all information required by law to be submitted to TCOLE on creation of such an agency or department. The bill authorizes TCOLE to suspend the operations of such a law enforcement agency or police department if the entity creating the agency or department cannot demonstrate an ongoing need for the agency or department in the community; does not maintain or provide adequate physical facilities for the agency or department; does not maintain or enforce adequate law enforcement policies for the agency or department; does not have an effective administrative structure for the agency or department; or does not maintain adequate liability insurance for the agency or department.

### **EFFECTIVE DATE**

September 1, 2015.

### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 1529 may differ from the engrossed in minor or nonsubstantive ways, the

following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. Section 1701.163, Occupations Code, is amended.

SECTION 2. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.1631 to read as follows:

Sec. 1701.1631. SUSPENSION OF OPERATIONS OF CERTAIN AGENCIES OR DEPARTMENTS. The commission may suspend the operations of a law enforcement agency or police department described by Section 1701.163 if the entity creating the law enforcement agency or police department:

(1) cannot demonstrate an ongoing need for the law enforcement agency or police department in the community;

(2) does not maintain adequate funding for the law enforcement agency or police department;

(3) does not maintain or provide adequate physical resources for officers of the law enforcement agency or police department;

(4) does not maintain or provide adequate physical facilities for the law enforcement agency or police department, including an adequate evidence room, dispatch area, and public area;

(5) does not maintain or enforce adequate law enforcement policies for the law enforcement agency or police department, including policies on:

(A) use of force;

(B) vehicle pursuit;

(C) professional conduct of officers;

(D) domestic abuse protocols;

(E) response to missing persons;

(F) supervision of part-time officers;

and

(G) impartial policing;

(6) does not have an effective administrative structure for the law enforcement agency or police department;

(7) does not maintain adequate liability insurance for the law enforcement

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

SECTION 2. Subchapter D, Chapter 1701, Occupations Code, is amended by adding Section 1701.1631 to read as follows:

Sec. 1701.1631. SUSPENSION OF OPERATIONS OF CERTAIN AGENCIES OR DEPARTMENTS. The commission may suspend the operations of a law enforcement agency or police department described by Section 1701.163 if the entity creating the law enforcement agency or police department:

(1) cannot demonstrate an ongoing need for the law enforcement agency or police department in the community;

(2) does not maintain or provide adequate physical facilities for the law enforcement agency or police department, including an adequate evidence room, dispatch area, and public area;

(3) does not maintain or enforce adequate law enforcement policies for the law enforcement agency or police department, including policies on:

(A) use of force;

(B) vehicle pursuit;

(C) professional conduct of officers;

(D) domestic abuse protocols;

(E) response to missing persons;

(F) supervision of part-time officers;

and

(G) impartial policing;

(4) does not have an effective administrative structure for the law enforcement agency or police department; or

(5) does not maintain adequate liability insurance for the law enforcement

agency or police department; or  
(8) does not meet another standard or  
requirement the commission implements  
by rule.

SECTION 3. This Act takes effect  
September 1, 2015.

agency or police department.

SECTION 3. Same as engrossed version.