

BILL ANALYSIS

H.B. 3151
By: Leman
State Affairs
Committee Report (Unamended)

BACKGROUND AND PURPOSE

In August 2020, the Austin City Council cut the police department's budget by one-third. This action coincided with a large annual increase in total homicides. Critics are persuaded that this is one indication of the detrimental impact of such defunding efforts on the safety and well-being of the citizens of Texas. Identifying local governments that defund police departments is the first step to addressing and correcting the negative impact that such an action can have on a community. H.B. 3151 seeks to take such a step and allow the criminal justice division of the governor's office to identify as a defunding local government the municipalities and counties that adopt budgets reducing the funding or personnel allocated for law enforcement agencies.

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

H.B. 3151 amends the Local Government Code to classify a municipality or county that adopts a budget for a fiscal year that, in comparison to the preceding fiscal year, reduces at least one of the following with respect to the municipality's or county's law enforcement agency as a defunding local government if the criminal justice division of the governor's office issues a written determination finding that the municipality or county has taken that action:

- the appropriation to the agency;
- the number of peace officers the agency is authorized to employ;
- funding for peace officer overtime compensation; or
- funding for the recruitment and training of new peace officers to fill each vacant peace officer position.

The bill requires the division, in making a determination of whether a municipality or county is a defunding local government according to the budget adopted for the first fiscal year beginning on or after September 1, 2021, to compare the funding and personnel in that budget to the funding and personnel in the budget of the preceding fiscal year or the second preceding fiscal year, whichever is greater.

H.B. 3151 establishes that a municipality or county is considered to be a defunding local government until the division issues a written determination finding that the municipality or county has reversed the reductions, adjusted for inflation. The bill requires the division to compute and publish in the Texas Register the inflation rate used to make that determination

each state fiscal year using a price index that accurately reports changes in the purchasing power of the dollar for local governments in Texas.

EFFECTIVE DATE

September 1, 2021.