

SUBJECT: Collecting information on threats against detention officers

COMMITTEE: Law Enforcement — favorable, without amendment

VOTE: 6 ayes — Driver, Jackson, Hegar, Frost, Hupp, Veasey
0 nays
1 absent — Burnam

WITNESSES: For — Charley Wilkison, Combined Law Enforcement Associations of Texas
Against — None

BACKGROUND: Government Code, sec. 411.048 concerns threats against peace officers. When a criminal justice agency learns of a threat of serious bodily injury or death made against one of its peace officers, that agency must enter a report into a DPS database. When DPS receives such a report in its database, it must notify the officer against whom the threat was made.

Government Code, sec. 552.108 states that information relating to a threat against a peace officer collected under sec. 411.048 need not be made available to the public.

DIGEST: HB 1262 would require threats against detention officers, as well as peace officers, to be entered into the DPS database. DPS would have to notify any detention officer against whom a threat of serious bodily injury or death was made.

The bill also would state that information relating to a threat against a detention officer collected under sec. 411.048 need not be made available to the public.

Detention officers would be defined as employees of municipal or county jails who ensured the safety of prisoners and who secured the jail.

The bill would take effect September 1, 2005.

**SUPPORTERS
SAY:**

HB 1262 would improve safety of jail employees without much added administrative burden. DPS already has established a database to keep track of threats against peace officers. Adding jail employees to the database would be a minor administrative modification but would increase the safety of those employees because they would be warned when a threat had been made against them. It also would increase the safety of other jail employees and peace officers because information that the person had made such a threat would be available in the database for any jail employee or peace officer to see. This could alert jail employees and peace officers of potentially dangerous people they may confront.

**OPPONENTS
SAY:**

HB 1262 would require a jail that employed a person against whom a threat of serious bodily injury or death was made to investigate the threat to determine if it were serious and enter information about the threat into the DPS database if the agency determined that the threat was serious. This would create an administrative burden on jails because threats against jail employees are very common. While these threats may appear credible, prisoners very rarely follow through on threats against officers. Requiring jails to undertake the administrative burden of investigating these threats likely would result in very little, if any, increased protection for jail employees.