

BILL ANALYSIS

Senate Research Center

H.B. 1239
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Criminal Justice
5/2/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, the state and some local governments are under civil and criminal jeopardy arising from widespread misconduct by multijurisdictional drug task force officers. Such activities include civil rights violations involving perjury, false arrests, illegal searches, and the incarceration of various innocent suspects. Continuing to sanction task force operations as stand-alone law enforcement agencies with widespread authority to operate across multiple jurisdictional lines should not continue.

Participating officers from various agencies are not supervised by their own agency's chain of command, have little or no contact with their superiors for extended periods, and remain in undercover capacity for periods longer than recommended for such operations. This allows these officers to operate under the minimal standards mandated by most law enforcement agencies in the United States for narcotics operations.

H.B. 1239 ends the ability of a narcotics task force to operate as an entity with no clear accountability with a particular agency that has jurisdiction originating where the law enforcement operation takes place.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 772.006, Government Code, by adding Subsections (d) and (e), as follows:

(d) Prohibits the criminal justice division from awarding a grant under this section (Governor's Criminal Justice Division) to a multijurisdictional drug task force.

(e) Authorizes the criminal justice division to award a grant under this section to fund a unified drug enforcement strategy by multiple law enforcement agencies through an interlocal contract made under Chapter 791 (Interlocal Cooperation Contracts) and approved by the director of the Department of Public Safety. Sets forth contract requirements.

SECTION 2. Effective date: upon passage or September 1, 2005.