

BILL ANALYSIS

Senate Research Center
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S.B. 1503
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Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

S.B. 1074 was passed by the 77th Legislature, Regular Session, 2001, outlawing the controversial practice of racial profiling by law enforcement. Under that legislation, an annual report is issued by police agencies. Since the bill's passage, racial profiling continues to be a topic of discussion.

Subsequent meetings with law enforcement and advocacy groups have identified areas of existing law that need to be addressed. As proposed, S.B. 1503 addresses those concerns and provides a better system of data gathering and analysis to be used in determining the incidence of racial profiling.

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 Subchapter J, Chapter 105, Education Code, by adding Section 105.503, as follows:

Sec. 105.503. INSTITUTE ON RACE, CRIME, AND JUSTICE. (a) Defines "institute," "law enforcement agency," and " racial profiling."

(b) Requires the board of regents of the University of North Texas System (board) to establish and operate the Institute on Race, Crime, and Justice (institute) at the University of North Texas at Dallas (university) to examine and provide training regarding issues of race, crime, and justice in this state.

(b-1) Requires the board, until the university operates as a general academic teaching institution, to establish and operate the institute at the University of North Texas campus at Dallas.

(c) Provides that the institute is under the supervision and direction of the board. Requires the board to approve the employment of personnel by and the operating budget of the institute. Provides that an employee of the institute is an employee of the university.

(d) Requires the institute to establish a program to accomplish certain tasks regarding racial profiling and minority participation in law enforcement.

(e) Requires the institute to take certain actions relating to reporting its results and findings to the public and the legislature.

(f) Authorizes the board to establish reasonable charges for participation by law enforcement management personnel in institute training programs. Requires the board to deposit any money from the charges to the credit of the institute fund described by Subsection (g).

(g) Provides that the institute fund is a separate account in the general revenue fund. Authorizes money in the account to be used by the board only to establish and operate the institute. Provides that Section 403.095(b) (Use of Dedicated Revenue), Government Code, does not apply to the account.

SECTION 2. Amends Articles 2.132(b) and (e), Code of Criminal Procedure, as follows:

(b) Requires each law enforcement agency (agency) in this state to adopt a detailed policy on racial profiling that requires the agency to submit, not later than February 15 of each year, an annual report of the information collected under Subdivision (6) [traffic stops] to certain entities. Makes conforming changes.

(e) Requires, rather than prohibits, a report required under Subsection (b)(7) to include identifying information about a peace officer who makes a traffic stop or about an individual who is stopped or arrested by a peace officer, but provides that the identifying information is confidential and is prohibited from being released to the public. Deletes existing text providing that this subsection does not apply to the collection of information as required by a policy under Subsection (b) (6).

SECTION 3. Amends Articles 2.134(b) and (d), Code of Criminal Procedure as follows:

(b) Requires each local law enforcement agency, not later than February 15, rather than March 1, of each year, to submit a report containing the information compiled during the previous calendar year to the institute. (d) Deletes existing text providing that this subsection does not apply to the collection of information as required under Article 2.133(b)(1). Makes conforming changes.

SECTION 4. Amends Article 2.135(a), Code of Criminal Procedure, to provide that a peace officer, with respect to pedestrian stops only, is exempt from the reporting requirement under Article 2.133 and an agency is exempt from the compilation, analysis, and reporting requirements under Article 2.134 if certain conditions exist. Deletes existing text relating to traffic stops.

SECTION 5. Amends Subchapter A, Chapter 102, Code of Criminal Procedure, by adding Article 102.022, as follows:

Art. 102.022. COSTS ON CONVICTION TO FUND INSTITUTE ON RACE, CRIME, AND JUSTICE. (a) Defines "moving violation."

(b) Requires a defendant convicted of a moving violation in a justice court, county court, county court of law, or municipal court, to pay \$0.25 fee as a cost of court.

(c) Provides that a person is considered convicted, in this article, if certain conditions exist.

(d) Requires the clerks of the respective courts to collect the costs described by this article. Requires the clerk to keep separate records of the funds collected as costs under this article and to deposit the funds in the county or municipal treasury, as appropriate.

(e) Requires the custodian of a county or municipal treasury to take certain actions relating to recording and depositing funds collected under this article.

(f) Authorizes a county or municipality to retain 10 percent of the funds collected under this article by an officer of the county or municipality as a collection fee if the custodian of the county or municipal treasury complies with Subsection (e).

(g) Requires the custodian of the treasury, if no funds due as costs under this article are deposited in a county or municipal treasury in a calendar year, to file

the report required for the quarter in the regular manner and to state that no funds were collected.

(h) Requires the comptroller of public accounts (comptroller) to deposit the funds received under this article to the credit of the institute fund in the general revenue fund.

(i) Provides that funds collected under this article are subject to audit by the comptroller.

SECTION 6. Amends Section 102.061, Government Code, to require the clerk of a statutory county court to collect a race, crime, and justice fee (Art. 102.022, Code of Criminal Procedure) on conviction of a defendant.

SECTION 7. Amends Section 102.081, Government Code, to make a conforming change.

SECTION 8. Amends Section 102.101, Government Code, to make a conforming change.

SECTION 9. Amends Section 102.121, Government Code, to make a conforming change.

SECTION 10. Makes application of this Act prospective.

SECTION 11. Effective date: September 1, 2005.