

BILL ANALYSIS

Senate Research Center

S.B. 1735
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Higher Education
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In October 1988, the Baylor University Medical Center/Baylor Health Care System Department of Public Safety (Baylor DPS) was approved to operate as a campus police agency by the Texas Commission on Law Enforcement Officer Standards and Education. The 78th Legislature, Regular Session, 2003, while amending certain sections of the Education Code, made certain clarifying changes to better delineate the jurisdiction of Baylor DPS, which provides vital and extensive security and police services to various affiliated medical campuses and facilities situated in several adjoining counties. These police services are wholly supported through private funding from the nonprofit medical corporation, relieving local government agencies of the considerable burden of providing a police presence and related enforcement activity on these campuses and affiliated hospitals, while still allowing local police agencies to provide assistance in appropriate circumstances.

After various amendments, the provisions of this enabling section have become confusing and inconsistent with other provisions of the code. Additional clarifying language is necessary to more plainly delineate the corporate authority to commission peace officers, and more precise terminology is needed to better define the jurisdiction of Baylor DPS as extending clearly to all Baylor-related medical campuses and facilities. S.B. 1735 will conform the jurisdictional limitations of the Baylor DPS to the sister provisions applicable to police departments commissioned by private institutions of higher education generally in Section 51.212 (Peace Officers at Private Institutions), Education Code.

As proposed, S.B. 1735 amends current law relating to the employment and commissioning of law enforcement personnel to provide security services to certain educational institutions.

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 51.214(a), Education Code, as follows:

(a) Authorizes the governing board of a private, nonprofit medical corporation (or its parent corporation) that provides police or security services for an institution of higher education or a private postsecondary educational institution located within one of its medical complexes, rather than a private postsecondary educational institution and other entities located within the same medical complex, or that provides police or security services for another medical complex legally affiliated with or owned, leased, managed, or controlled by the medical corporation, rather than a branch of that medical corporation, in any municipality with a population of 1.18 million or more according to the last federal census, to employ and commission police or security personnel to enforce the law of this state within the jurisdiction designated by Subsection (c).

SECTION 2. Amends Section 51.214(c), Education Code, as follows:

(c) Provides that the jurisdiction of an officer commissioned under this section is limited to:

(1) the property under the control and jurisdiction of the private, nonprofit, medical corporation or any entity legally affiliated with or owned, leased, managed or controlled by the medical corporation. Makes nonsubstantive changes;

(2) a street or alley that abuts the property or an easement in or right-of-way over or through the property described by Subsection (c)(1); and

(3) any other location in which the officer is otherwise performing duties assigned to the officer by the private, nonprofit medical corporation (or its parent corporation), regardless of whether the officer is on property under the control and jurisdiction of the private, nonprofit medical corporation, but provided these duties are consistent with the mission of the private, nonprofit medical corporation and are being performed within a county in which the private, nonprofit medical corporation owns real property.

SECTION 3. Effective date: upon passage or September 1, 2009.