

BILL ANALYSIS

Senate Research Center
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S.B. 1529
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Under Section 1701.163, Occupations Code, the Texas Commission on Law Enforcement (TCOLE) is responsible for ensuring that law enforcement agencies created after September 1, 2009, meet minimum standards set forth in that section. Under Section 1701.162, Occupations Code, audits are required by law at least once every five years. As part of those audits, TCOLE conducts site visits, reviews agency policies, and ultimately issues an agency number to the department. There have been several law enforcement agencies, however, that fail to maintain the minimum standards expected of them by the legislature, TCOLE, and the people they are responsible for serving. The problem arises when TCOLE has no statutory enforcement authority in dealing with the agencies that are subject to this section of the law. TCOLE seeks a mechanism to bring non-complying agencies back into compliance.

S.B. 1529 authorizes TCOLE to suspend agency operations if it is found that the agency fails to maintain the criteria set forth in Section 1701.163, Occupations Code, until the agency comes back into compliance.

As proposed, S.B. 1529 amends current law relating to the creation and regulation of a law enforcement agency or police department.

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 1701.163, Occupations Code, by adding Subsection (c), as follows:

(c) Prohibits an entity from beginning operation of a law enforcement agency or police department unless the entity submits all of the information required under Subsection (b) (requiring the entity to submit to the Texas Commission on Law Enforcement (TCOLE) on creation of the law enforcement agency, certain resource and funding needs) to TCOLE, and TCOLE issues the entity an agency number for the law enforcement agency or police department.

SECTION 2. Amends Subchapter D, Chapter 1701, Occupations Code, by adding Section 1701.1631, as follows:

Sec. 1701.1631. SUSPENSION OF OPERATIONS OF CERTAIN AGENCIES OR DEPARTMENTS. Authorizes TCOLE to suspend the operations of a law enforcement agency or police department described by Section 1701.163 (Information Provided by Commissioning Entities) if the entity creating the law enforcement agency or police department:

(1) cannot demonstrate an ongoing need for the law enforcement agency or police department in the community;

- (2) does not maintain adequate funding for the law enforcement agency or police department;
- (3) does not maintain or provide adequate physical resources for officers of the law enforcement agency or police department;
- (4) does not maintain or provide adequate physical facilities for the law enforcement agency or police department, including an adequate evidence room, dispatch area, and public area;
- (5) does not maintain or enforce adequate law enforcement policies for the law enforcement agency or police department, including policies on use of force, vehicle pursuit, professional conduct of officers, domestic abuse protocols, response to missing persons, supervision of part-time officers, and impartial policing;
- (6) does not have an effective administrative structure for the law enforcement agency or police department;
- (7) does not maintain adequate liability insurance for the law enforcement agency or police department; or
- (8) does not meet another standard or requirement the commission implements by rule.

SECTION 3. Effective date: September 1, 2015.