

BILL ANALYSIS

Senate Research Center
86R2019 MP-F

S.B. 2045
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Criminal Justice
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The mutual aid statute, Section 362.002, Local Government Code, sets up a framework for counties, cities, and joint airport authorities to assist one another in various ways—broadly called "mutual aid." Task force agreements under this statute can extend the authority of those entities to collaborate across jurisdictional boundaries: for example, counties can enter agreements allowing their peace officers to investigate possible crimes and make traffic stops across their mutual boundaries; this makes law enforcement of state and federal highways more streamlined, efficient, and cooperative.

A key sentence in the statute suggests that a county, city, or joint airport may sign a mutual-aid task force agreement with only a "neighboring municipality, joint airport, or contiguous county." Although legal opinions differ on the significance of the words "neighboring" and "contiguous" in the fuller context of the statute and widespread mutual-aid practices, this violates the original intent of the law, to make collaboration among these entities easier.

S.B. 2045 would delete the words "neighboring" and "contiguous" from Section 362.002(b) of the Local Government Code to clarify that counties, cities, and joint airport authorities can sign mutual-aid agreements and form a task force with other. In doing so, it would encourage political subdivisions to help one another in matters of criminal investigations and law enforcement, maximizing the efficiency of joint action.

As proposed, S.B. 2045 amends current law relating to the authority of certain local governmental entities to enter into an agreement to create a mutual aid law enforcement task force.

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 362.002(b), Local Government Code, to authorize a county, municipality, or joint airport to, by resolution or order of its governing body, enter into an agreement with a municipality, joint airport, or county, rather than enter into an agreement with a neighboring municipality, joint airport, or contiguous county, to form a mutual aid law enforcement task force to cooperate in criminal investigations and law enforcement.

SECTION 2. Effective date: upon passage or September 1, 2019.