

## **BILL ANALYSIS**

Senate Research Center  
76R3718 KEL-D

S.B. 194  
By: Ogden  
Criminal Justice  
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As Filed

### **DIGEST**

Currently, the Texas Department of Public Safety (department) assembles a special task force when the agency investigates a “white collar crime.” Due to the high degree of expertise required to investigate such complex crimes, the department forms the task force by borrowing personnel from other state agencies, who provide the necessary cooperation between prosecutors, accountants, computer network specialists, and investigators. However, if state funds are not involved, the State Auditor’s Office does not participate in the investigation because of lack of statutory authority, leaving the department without forensic accounting expertise. After an investigation, the department dismantles the task force, but recalls the experts to investigate another complex case.

If the department retained a highly-specialized unit within its department, the unit would provide a consistent, concentrated resource for forensic expertise and could offer a prosecutor computer evidence analysis, exhibit cataloging, and expert testimony. S.B. 194 would create a complex crime unit within the department, and provides authority to the State Auditor’s Office to assist the department in complex crimes.

### **PURPOSE**

As proposed, S.B. 194 creates a complex crime unit within the Texas Department of Public Safety (department) and provides authority to the State Auditor’s Office to assist the department in complex crimes.

### **RULEMAKING AUTHORITY**

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

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 411, Government Code, by adding Subchapter I, as follows:

#### **SUBCHAPTER I. COMPLEX CRIME UNIT**

Sec. 411.251. DEFINITIONS. Defines “attorney representing the state” and “complex crime.”

Sec. 411.252. COMPLEX CRIME UNIT. Establishes that the complex crime unit (crime unit) is an investigative crime unit within the Department of Public Safety (department). Requires the public safety director (director) to employ peace officers and other employees to staff the unit. Requires an eligible peace officer to have at least four years of experience as a peace officer and a professional academic degree or at least two years of experience in a complex criminal unit. Requires a noncommissioned employee of a crime unit to meet qualifications set by the director.

Sec. 411.253. ASSISTANCE ON REQUEST. Authorizes the crime unit to assist local law enforcement in the investigation of a crime or to investigate a crime involving harm to the interests of a state agency, if an attorney representing the state or the governor request the help of the crime unit and the director concurs with the requesting attorney or governor.

Sec. 411.254. COOPERATION. Requires the director and the state auditor to cooperate in investigating and enforcing complex crimes, and to adopt a memorandum of understanding setting forth their duties. Requires the memorandum of understanding to facilitate information between the agencies and to specifically permit the office of the state auditor access criminal justice

information necessary for the auditor to carry out the duties describe by the memorandum.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.