

BILL ANALYSIS

Senate Research Center
77R9793 GWK-D

C.S.S.B. 242
By: Shapleigh
Jurisprudence
3/27/2001
Committee Report (Substituted)

DIGEST AND PURPOSE

In past decisions, the Court of Criminal Appeals has held that peace officers may stop or detain a person without any suspicion of wrong-doing for the purpose of what is termed “community caretaking.” C.S.S.B. 242 prohibits police officers from making unreasonable community caretaking stops or detentions, which are stops or detentions that another reasonable peace officer, under the same circumstances, would not have made.

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 Chapter 38, Code of Criminal Procedure, by adding Article 38.24, as follows:

Art. 38.24. CARETAKING STOPS AND DETENTIONS. Provides that an unreasonable community caretaking stop or detention is prohibited under this chapter. Provides that a community caretaking stop or detention is unreasonable if a reasonable peace officer, acting under the same circumstances, would not have made the stop or detention.

SECTION 2. Makes application of this Act prospective.

SECTION 3. Effective date: upon passage or September 1, 2001.

SUMMARY OF COMMITTEE CHANGES

Differs from the original by amending the relating clause.

SECTION 1. Differs from the original by replacing language regarding a pretext stop or seizure with language regarding community caretaking stop or detention.

SECTION 2. Makes conforming changes.

SECTION 3. Effective date: No change.