

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 388
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Criminal Justice
4/9/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Recently, the flow of money across the Texas/Mexico border has led to the indictment of a number of law enforcement officers in the border region and other areas of the state. Law enforcement corruption resulting from increased levels of gang activity in Texas is inadequately addressed by current law. The Texas Rangers are a division of the Texas Department of Public Safety (DPS) and perform both criminal investigations and special investigations, as well as a range of other law enforcement activities. Currently, the Texas Rangers have the authority and responsibility to investigate a wide range of issues, including law enforcement corruption.

C.S.S.B. 388 amends current law relating to the creation of a law enforcement integrity unit in the Department of Public Safety.

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 Subchapter A, Chapter 411, Government Code, by adding Section 411.0207, as follows:

Sec. 411.0207. PUBLIC CORRUPTION UNIT. (a) Defines "organized criminal activity."

(b) Creates a law enforcement integrity unit (unit) within the Texas Department of Public Safety of the State of Texas (DPS) to investigate and assist in the management of allegations of participation in organized criminal activity by an individual elected, appointed, or employed to serve as a peace officer for a governmental entity of this state under Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, or a federal law enforcement officer while performing duties in this state.

(c) Requires the unit to assist district attorneys and county attorneys in the investigation and prosecution of allegations described by Subsection (b); if requested by the agency, assist a state or local law enforcement agency with the investigation of such allegations against law enforcement officers in the agency; assist the United States Department of Justice or any other appropriate federal department or agency in the investigation and prosecution of allegations described by Subsection (b); if requested by the agency, assist a federal law enforcement agency with the investigation of such allegations against law enforcement officers in the agency; serve as a clearinghouse for information relating to the investigation and prosecution of allegations described by Subsection (b); and report to the highest-ranking officer of the Texas Rangers division of DPS.

(d) Authorizes the highest-ranking officer of the Texas Rangers division of DPS, on written approval of the director or of the chair of the Public Safety Commission (commission), to initiate an investigation of an allegation of participation in organized criminal activity by a law enforcement officer described by Subsection (b)(1) (relating to an individual elected, appointed, or employed to

serve as a peace officer for a governmental entity of this state under Article 2.12, Code of Criminal Procedure). Requires that written approval under this subsection be based on cause.

(e) Requires a state or local law enforcement agency, to the extent allowed by law, to cooperate with the unit by providing information requested by the unit as necessary to carry out the purposes of this section. Provides that information described by this subsection is excepted from required disclosure under Chapter 552 (Public Information) in the manner provided by Section 552.108 (Exception: Certain Law Enforcement, Corrections, and Prosecutorial Information).

SECTION 2. Requires DPS, not later than December 1, 2010, to establish the unit under Section 411.0207, Government Code, as added by this Act.

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