

BILL ANALYSIS

Senate Research Center
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S.B. 23
By: Huffman
Jurisprudence
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Local governments in some parts of the state are responding to certain demands to “defund the police,” even though few Texans support defunding local law enforcement. As a result, law enforcement officers in defunding jurisdictions must contend with potential cuts to their wages, and have fewer resources to secure the tools necessary for safe and effective policing.

S.B. 23 puts the power back in the hands of Texans, and incentivizes local law enforcement agencies to be responsive to the communities they serve. Under S.B. 23, a local government must secure voter approval before passing a budget that reduces regular funding for law enforcement compared to the previous fiscal year, as a percentage of the total annual budget. If the voters in the jurisdiction approve a reduction in funding for local law enforcement at an election called for that purpose, then the reduction may take effect.

Any person who believes that a local government has reduced local law enforcement funding without voter approval may file a complaint with the criminal justice division of the Office of the Governor, which shall screen the request and, if appropriate, forward it to the Comptroller of Public Accounts of the State of Texas. If the comptroller determines that a local government violated a provision of this bill, the defunding local government may not adopt a tax rate for the subsequent tax year that exceeds the current tax rate.

As proposed, S.B. 23 amends current law relating to an election to approve a reduction or reallocation of funding or resources for a municipal or county law enforcement agency.

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 Subtitle C, Title 4, Local Government Code, by adding Chapter 135, as follows:

CHAPTER 135. ELECTION FOR REDUCTION OF FUNDING OR RESOURCES FOR LAW ENFORCEMENT AGENCIES

Sec. 135.001. ELECTION REQUIRED. (a) Requires that a municipality or county hold an election in accordance with Chapter 135 if the municipality or county proposes to adopt a budget for a fiscal year that, compared to the budget adopted by the municipality or county for the preceding fiscal year:

(1) reduces for a law enforcement agency:

(A) the appropriation to the agency as a percentage of the total budget;

(B) the number of peace officers the agency is authorized to employ per 1,000 municipal or county residents, as applicable;

(C) the total amount of funding per peace officer for peace officer overtime compensation; or

(D) the amount of funding per peace officer for the recruitment and training of new peace officers to fill vacant and new peace officer positions in the department; or

(2) reallocates funding or resources from one law enforcement agency to another.

(b) Prohibits a municipality or county from adopting a budget with a proposed reduction or reallocation described by Subsection (a) until the municipality or county receives voter approval for the proposed reduction or reallocation at an election held for that purpose.

Sec. 135.002. **BALLOT PROPOSITION REQUIREMENTS.** Requires that a municipality or county holding an election under Chapter 135 ensure that the ballot proposition for the election includes, as applicable:

(1) a detailed explanation of each proposed reduction;

(2) the amount of each proposed reduction;

(3) the recipient of reallocated funding or resources;

(4) the impact on the local tax rate, if any; and

(5) the expected length of time that the proposed reduction or reallocation will remain in effect.

Sec. 135.003. **USE OF PUBLIC MONEY FOR CAMPAIGN PROHIBITED.** Prohibits a municipality or county holding an election under Chapter 135 from using public money on informational campaigns or advocacy related to the proposed reduction or reallocation.

Sec. 135.004. **COMPLAINT.** Authorizes a person who believes that a municipality or county has violated Chapter 135 to file a complaint with the criminal justice division of the Office of the Governor.

Sec. 135.005. **COMPTROLLER INVESTIGATION AND WITHHOLDING OF CERTAIN MONEY.** (a) Requires the Comptroller of Public Accounts of the State of Texas (comptroller), on request by the criminal justice division of the Office of the Governor, to determine whether a municipality or county has violated Chapter 135. Requires the comptroller to issue a written determination to the governor, lieutenant governor, and speaker of the house of representatives.

(b) Prohibits the municipality or county, notwithstanding any other law, if the comptroller determines that a municipality or county violated Chapter 135, from adopting a tax rate for the subsequent municipal or county fiscal year that exceeds the municipality's or county's tax rate on the date of the violation.

(c) Provides that a tax rate limitation described by Subsection (b) becomes inapplicable on the earlier of:

(1) the date the comptroller issues a written determination that the municipality or county has, as applicable:

(A) adopted a budget that reverses all funding reductions, adjusted for inflation, and personnel reductions in violation of Chapter 135; or

(B) restored reallocated funding or resources to the original law enforcement agency; or

(2) the date the municipality or county receives voter approval for the reduction or reallocation that violated Chapter 135 in an election held in accordance with Chapter 135.

SECTION 2. Effective date: September 1, 2021.