

BILL ANALYSIS

H.B. 479
By: Keel
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Article 2.12 of the Code of Criminal Procedure defines who are peace officers. Included therein is the reference to Education Code, Subchapter E, Chapter 51, which specifies the authority of campus peace officers. The definition of a campus peace officer's primary jurisdiction does not usurp the autonomous authority of the peace officers of other agencies, such as the Department of Public Safety, the Travis County Sheriff's Office or the Austin Police, who concurrently have jurisdiction encompassing, for example, the UT Austin campus.

However, there is no authority for a campus police agency to promulgate policies, as has been recently attempted by the UT Austin Police, designed to restrict the movement or authority of other agencies. Such an attempt runs counter to the interests of public safety, and is afoul of applicable state criminal laws.

HB 479 clarifies the existing authority of any agency otherwise vested with geographical jurisdiction that includes the UT campus, to operate without interference by the UT Austin campus police department or its policies. This would include the autonomous authority of such agencies to deploy personnel on the grounds and within the facilities of the University of Texas at Austin in such manner as is otherwise allowed by law to peace officers operating within their jurisdiction.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1 - Amends Subchapter A, Chapter 67, Education Code, by adding Section 67.03 to clarify that campus peace officers commissioned by the University of Texas at Austin (university) have the same jurisdiction, powers, privileges, and immunities as provided by Section 51.203 of the Education Code.

This does not in any manner limit or reduce the jurisdiction, powers, privileges, and immunities provided by law for a law enforcement agency of the state or a political subdivision of the state, including the City of Austin police department, with territorial jurisdiction that includes all or part of the university campus.

The law enforcement agency retains the autonomous authority to deploy agency personnel on university property and in university facilities in any manner consistent with the jurisdiction, powers, privileges, and immunities of the agency.

SECTION 2 - Effective date.

EFFECTIVE DATE

On passage, or if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.