

BILL ANALYSIS

H.B. 1239
By: Hodge
Criminal Jurisprudence
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The State of Texas and some local governments are currently under civil and criminal jeopardy arising out of widespread misconduct by task force officers, including alleged civil rights violations involving perjury, false arrests, illegal searches, and the incarceration of multiple innocent suspects. Continuing to sanction task force operations as stand alone law enforcement entities, with widespread authority to operate at will across multiple jurisdictional lines, should not continue.

Participating officers from various agencies are not supervised by their own agency's chain of command, have little or no contact for long periods of time with their superiors, remain in an undercover capacity for periods longer than that recommend for such operations, and thus do not operate under even the minimal standards mandated by most law enforcement agencies in the U.S. for narcotics operations.

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

H.B. 1239 would put an end to the ability of a narcotics task force to operate as an entity with no clear accountability resting with a particular agency that has jurisdiction originating where the law enforcement operation takes place. A law enforcement officer who has local jurisdiction authority where the arrest or search is being executed will be required to be present and share in operational command with officers outside of their original jurisdiction. This is consistent with existing state law requirements for all other law enforcement officers who operate in the state. This principle of law, which had no exceptions until the advent of the multi-jurisdictional task force structure, restores accountability and clear responsibility. It will also facilitate a clear avenue for local redress should citizens wish to question the propriety of police operations.

EFFECTIVE DATE

This Act takes effect immediately, or if this Act does not receive the necessary vote, this Act takes effect on September 1, 2005.