

## **BILL ANALYSIS**

Senate Research Center  
79R14022 PEP-D

C.S.S.B. 1125  
By: Hinojosa  
Criminal Justice  
4/20/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

When a police force is not directly responsible to an elected government entity, such as a city council or county commissioners court, it is difficult and sometimes impossible to clarify their duties, responsibilities, or privileges.

The term "gypsy cop" is a phrase used by law enforcement officers to refer to an officer who moves from one area to another frequently, never remaining accountable to any one supervisor or set of elected officials long enough to be properly evaluated or disciplined.

The Senate Criminal Justice Committee Interim Report to the 79th Legislature recommended that the legislature should resist and cease the ad hoc inclusion of naming new agencies, districts, and organizations as peace officers and consider a reorganization of specialized police agencies into a separate category that provides clarity regarding their duties, responsibilities, and privileges.

Some of the least accountable special police forces in Texas are drug task forces that were at one time funded by federal Byrne grants that are awarded by the Criminal Justice Division of the Office of the Governor. While they were receiving federal Byrne grant funds, these drug task forces were at least required to meet certain minimum criteria in order to continue to receive those funds. Over the past few years, some of the Byrne-funded drug task forces have decided to continue to exist but discontinue applying for the Byrne funds. These drug task forces continue to operate on income generated by their asset forfeiture proceedings and/or contributions from various local governments, but are no longer bound to any unified strategy or set of policies.

The duties, responsibilities, and privileges of the drug task forces which are no longer funded through the federal Byrne grants are unclear.

The second issue addressed in C.S.S.B. 1125 is the dire need for substance abuse treatment services in the State of Texas. According to President Bush's National Drug Control Strategy, only 18 percent of the people who need substance abuse treatment are receiving it. Treatment is almost nonexistent in certain counties in our state, especially for Texans who cannot afford to pay for private substance abuse treatment services. Texans who live in the panhandle, the valley, east Texas, and west Texas have to travel long distances to get treatment because there are virtually no such services in those parts of Texas. At the same time, the United States Department of Justice, National Institute of Corrections, research shows that substance abuse treatment is one of the most effective ways to reduce criminal behavior.

C.S.S.B. 1125 transfers authority for multicounty drug task forces to the Department of Public Safety and channels one-quarter of the asset forfeiture funds that are received by multicounty drug task forces to fund substance abuse treatment services for the citizens of our state.

### **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 Section 362.001, Local Government Code, by adding Subdivision (3), to define "multicounty drug task force."

SECTION 2. Amends Chapter 362, Local Government Code, by adding Section 362.004, as follows:

Sec. 362.004. MULTICOUNTY DRUG TASK FORCES. Provides that a multicounty drug task force (task force) is composed of law enforcement agencies located in two or more contiguous counties in this state. Authorizes a task force to be established and operated only after the Department of Public Safety (DPS) confirms a strategic need for the task force and the composition of the task force. Requires a task force, and any county or municipality participating in the task force, to comply with the policies and procedures established for the operation of a task force by DPS.

SECTION 3. Amends Subchapter A, Chapter 411, Government Code, by adding Section 411.0097, as follows:

Sec. 411.0097. MULTICOUNTY DRUG ENFORCEMENT TASK FORCES. Requires DPS to establish policies and procedures for task forces, as defined by Section 362.001, Local Government Code, and authorizes DPS to exercise the authority necessary to ensure compliance with those policies and procedures. Requires DPS to evaluate each task force using specific standards and to semiannually submit to the governor's office and the Legislative Budget Board a report that includes a written evaluation of certain matters.

SECTION 4. Amends Article 59.06, Code of Criminal Procedure, by adding Subsection (q), to provide that this subsection applies only to proceeds from the sales of forfeited property that was seized by a task force, as defined by Section 362.001, Local Government Code, regardless of whether the task force was acting alone or in cooperation with another law enforcement agency, except for proceeds required to be deposited in the state treasury to the credit of the general revenue fund. Authorizes a task force, notwithstanding any other provision of this article or the terms of a local agreement, after the deduction of court costs to which a district clerk is entitled under Article 59.05(f) and if the task force receives proceeds of a sale [of forfeited property], to retain 75 percent of the proceeds or to distribute any portion of that amount in any manner consistent with this article. Requires the remaining 25 percent to be deposited in a special fund in the treasury of the county in which the property was located at the time of seizure. Authorizes the commissioners court of that county to spend or use the money in that special fund for certain purposes.

SECTION 5. Makes application of Article 59.06(q), Code of Criminal Procedure, as added by this Act, prospective.

SECTION 6 Effective date: upon passage or September 1, 2005.