

## **BILL ANALYSIS**

H.B. 1213  
By: Pitts  
Higher Education  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Currently, peace officers employed by private higher education institutions are only authorized to enforce the law on their respective campuses. However, this restriction prohibits these officers from entering into mutual assistance agreements with surrounding police departments.

House Bill 1213 allows the police department of a private undergraduate institution to enter into a mutual assistance agreement with the police departments in nearby cities, provided that the institution has both an undergraduate enrollment of over 5,000, and either is contiguous to or has any part of its property within the boundaries of a municipality with a population of more than one million.

### **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: Section 51.212 of the Education Code is amended to add additional language, eliminate existing language and make conforming changes. Expands the area in which a peace officer employed by a private institution of higher learning may enforce the law. Changes the statutory term for these officers from "Security Officers" to "Peace Officers." Expands the current language to allow these officers to conduct duties assigned to the officer by the institution regardless of whether the officer is on property under the control or the jurisdiction of the institution, duties as an officer as requested under the terms of a mutual assistance agreement or duties as an officer while assisting another law enforcement officer in law enforcement activity. Makes the statute gender neutral.

SECTION 2: Subchapter E, Chapter 51 of the Education Code is amended by adding additional language. Allows certain private institutions of higher learning to enter into mutual assistance agreements with certain municipalities and limits the institutions to which this statute applies, making the statute only apply to private institutions of higher learning that have a full time undergraduate enrollment of over 5,000 students. Grants that the governing board of an institution may enter into a written mutual assistance agreement with the peace officers of a municipality of over one million which also is contiguous to, or within its boundaries contains a part of, the institution of higher learning. Requires that any agreement made be reviewed by both the institution and the municipality annually, and allows for the agreement to be modified at that time by a written agreement signed by each party. The agreement may be terminated at any time signed by either party with reasonable notice.

Allows that a mutual assistance agreement may designate the geographic area in which campus peace officers are authorized to provide assistance. Clarifies that the language does not affect a municipality's duty to provide law enforcement services to any location within the municipality. Specifies that an officer acting under a mutual assistance agreement may make arrests and exercise all other authorities of a peace officer under state law, and states that the municipal law enforcement agency maintains exclusive authority to supervise any campus peace officer operating under this agreement. Specifies that the institution of higher learning is liable for an act or omission of a campus peace officer operating under a mutual assistance agreement which occurs on a location other than property of the institution, and that a municipal law enforcement

agency retains the supervision of campus peace officers operating under a mutual assistance agreement.

States that this statute does not affect the ability of a campus peace officer to make a warrantless arrest outside of the officer's jurisdiction.

SECTION 3: Effective date.

**EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.