

By: Pitts

H.B. No. 1213

A BILL TO BE ENTITLED

AN ACT

1
2 relating to mutual assistance agreements entered into by certain
3 municipalities and private institutions of higher education for the
4 purpose of enforcing state law and to additional powers,
5 privileges, and immunities of peace officers employed by private
6 institutions of higher education.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Section 51.212, Education Code, is amended to
9 read as follows:

10 Sec. 51.212. PEACE [~~SECURITY~~] OFFICERS AT PRIVATE
11 INSTITUTIONS. (a) The governing boards of private institutions of
12 higher education, including private junior colleges, are
13 authorized to employ and commission officers [~~campus security~~
14 ~~personnel~~] for the purpose of enforcing the law of this state:

15 (1) on the campuses of private institutions of higher
16 education; and

17 (2) at other locations, as permitted by Subsection (b)
18 or Section 51.2125.

19 (b) Any officer commissioned under the provisions of this
20 section is vested with all the powers, privileges, and immunities
21 of peace officers if the officer:

22 (1) is [~~while~~] on the property under the control and
23 jurisdiction of the respective private institution of higher
24 education or is otherwise performing [~~in the performance of his~~

1 ~~assigned~~] duties assigned to the officer by the institution,
2 regardless of whether the officer is on property under the control
3 and jurisdiction of the institution; or

4 (2) to the extent authorized by Section 51.2125, is:

5 (A) requested by another law enforcement agency
6 to provide assistance in enforcing the law of this state and is
7 acting in response to that request; or

8 (B) otherwise assisting another law enforcement
9 agency in enforcing the law of this state.

10 (c) Any officer assigned to duty and commissioned shall take
11 and file the oath required of peace officers, and shall execute and
12 file a good and sufficient bond in the sum of \$1,000, payable to the
13 governor, with two or more good and sufficient sureties,
14 conditioned that the officer [~~he~~] will fairly, impartially, and
15 faithfully perform the duties as may be required of the officer
16 [~~him~~] by law. The bond may be sued on from time to time in the name
17 of the person injured until the whole amount is recovered.

18 (d) [~~(b)~~] The governing boards of private institutions of
19 higher education are authorized to hire and pay on a regular basis
20 peace [~~law-enforcement~~] officers commissioned by an incorporated
21 city. The officers shall be under the supervision of the hiring
22 institution, but shall be subject to dismissal and disciplinary
23 action by the city. An incorporated city is authorized to contract
24 with a private institution of higher education for the use and
25 employment of its commissioned officers in any manner agreed to,
26 provided that there is no expense incurred by the city.

27 (e) [~~(c)~~] In this section, "private institution of higher

1 education" means a private or independent institution of higher
2 education as defined [~~has the meaning assigned~~] by Section 61.003
3 [~~61.003(15) of this code~~].

4 SECTION 2. Subchapter E, Chapter 51, Education Code, is
5 amended by adding Section 51.2125 to read as follows:

6 Sec. 51.2125. PRIVATE INSTITUTIONS: AUTHORITY TO ENTER
7 INTO MUTUAL ASSISTANCE AGREEMENT. (a) This section applies only to
8 a private institution of higher education, as defined by Section
9 61.003, with an undergraduate enrollment of more than 5,000
10 full-time equivalent students.

11 (b) If the institution has under its control and
12 jurisdiction property that is contiguous to, or located in any part
13 within the boundaries of, a municipality with a population of more
14 than one million, in addition to exercising the authority provided
15 under Section 51.212(d), the governing board of a private
16 institution of higher education to which this section applies and
17 the governing body of each municipality that is contiguous to, or
18 the boundaries of which contain any part of, property under the
19 control and jurisdiction of the private institution of higher
20 education may enter into a written mutual assistance agreement in
21 which peace officers commissioned by the institution or the
22 applicable municipality serve the public interest by assisting,
23 without any form of additional compensation or other financial
24 benefit, the peace officers of the other party to the agreement in
25 enforcing the laws of this state. The agreement must be reviewed at
26 least annually by the institution and the municipality and may be
27 modified at that time by a written agreement signed by each party.

1 The agreement may be terminated at any time by a party to the
2 agreement on the provision of reasonable notice to the other party
3 to the agreement.

4 (c) A mutual assistance agreement authorized by this
5 section may designate the geographic area in which the campus peace
6 officers are authorized to provide assistance to the peace officers
7 of the municipality.

8 (d) This section does not affect a municipality's duty to
9 provide law enforcement services to any location within the
10 boundaries of the municipality.

11 (e) A peace officer providing assistance under a mutual
12 assistance agreement authorized by this section may make arrests
13 and exercise all other authority given to peace officers under
14 other state law. The municipal law enforcement agency has
15 exclusive authority to supervise any campus peace officer operating
16 under the agreement to assist the peace officers of the
17 municipality. A municipal peace officer operating under the
18 agreement to assist the campus peace officers remains under the
19 supervision of the municipal law enforcement agency.

20 (f) In the same manner and to the same extent as a
21 municipality is liable for an act or omission of a peace officer
22 employed by the municipality, a private institution of higher
23 education is liable for an act or omission of a campus peace officer
24 operating under a mutual assistance agreement authorized by this
25 section at a location other than property under the control and
26 jurisdiction of the institution.

27 (g) This section does not limit the authority of a campus

1 peace officer to make a warrantless arrest outside the officer's
2 jurisdiction as described by Article 14.03(d), Code of Criminal
3 Procedure.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2007.