

BILL ANALYSIS

S.B. 388
By: Carona
Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Recently, the flow of money across the Texas-Mexico border has led to the indictment of a number of law enforcement officers in the border region and other areas of the state. Law enforcement corruption resulting from increased levels of gang activity in Texas is inadequately addressed by current law. The Texas Rangers are a division of the Department of Public Safety (DPS) and perform both criminal investigations and special investigations, as well as a range of other law enforcement activities. Currently, the Texas Rangers have the authority and responsibility to investigate a wide range of issues, including law enforcement corruption.

S.B. 388 creates a public corruption unit within DPS to investigate and assist in the management of allegations of participation in organized criminal activity by an individual elected, appointed, or employed to serve as a peace officer for a Texas governmental entity or by a federal law enforcement officer while performing duties in Texas.

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

S.B. 388 amends the Government Code to create a public corruption unit within the Department of Public Safety (DPS) to investigate and assist in the management of allegations of participation in organized criminal activity by an individual elected, appointed, or employed to serve as a peace officer for a Texas governmental entity or by a federal law enforcement officer while performing duties in Texas. The bill requires the unit to assist district attorneys and county attorneys in the investigation and prosecution of such allegations; to assist a state or local law enforcement agency with the investigation of such allegations against law enforcement officers in the agency, if requested by the agency; to assist the United States Department of Justice or any other appropriate federal department or agency in the investigation and prosecution of such allegations; to assist a federal law enforcement agency with the investigation of such allegations against law enforcement officers in the agency, if requested by the agency; to serve as a clearinghouse for information relating to the investigation and prosecution of such allegations; and to report to the highest-ranking officer of the Texas Rangers division of DPS.

S.B. 388 authorizes the highest-ranking officer of the Texas Rangers division of DPS, on written approval of the public safety director or of the chair of the Public Safety Commission, to initiate an investigation of an allegation of participation in organized criminal activity by a law enforcement officer. The bill requires the written approval to be based on cause. The bill requires a state or local law enforcement agency, to the extent allowed by law, to cooperate with the public corruption unit by providing information requested by the unit as necessary to carry out the purposes of the public corruption unit and exempts such information from required disclosure under certain state law.

S.B. 388 requires DPS, not later than December 1, 2010, to establish the public corruption unit.

S.B. 388 defines "organized criminal activity."

EFFECTIVE DATE

On passage, or, if the act does not receive the necessary vote, the act takes effect September 1, 2009.