

By: Carona

S.B. No. 388

A BILL TO BE ENTITLED

AN ACT

relating to the creation of a public corruption unit in the Department of Public Safety of the State of Texas.

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

SECTION 1. Subchapter A, Chapter 411, Government Code, is amended by adding Section 411.0207 to read as follows:

Sec. 411.0207. PUBLIC CORRUPTION UNIT. (a) In this section, "organized criminal activity" means conduct that constitutes an offense under Section 71.02, Penal Code.

(b) A public corruption unit is created within the department to investigate and assist in the management of allegations of participation in organized criminal activity by:

(1) an individual elected, appointed, or employed to serve as a peace officer for a governmental entity of this state under Article 2.12, Code of Criminal Procedure; or

(2) a federal law enforcement officer while performing duties in this state.

(c) The unit shall:

(1) assist district attorneys and county attorneys in the investigation and prosecution of allegations described by Subsection (b);

(2) if requested by the agency, assist a state or local law enforcement agency with the investigation of such allegations against law enforcement officers in the agency;

1 (3) assist the United States Department of Justice or
2 any other appropriate federal department or agency in the
3 investigation and prosecution of allegations described by
4 Subsection (b);

5 (4) if requested by the agency, assist a federal law
6 enforcement agency with the investigation of such allegations
7 against law enforcement officers in the agency;

8 (5) serve as a clearinghouse for information relating
9 to the investigation and prosecution of allegations described by
10 Subsection (b); and

11 (6) report to the highest-ranking officer of the Texas
12 Rangers division of the department.

13 (d) On written approval of the director or of the chair of
14 the commission, the highest-ranking officer of the Texas Rangers
15 division of the department may initiate an investigation of an
16 allegation of participation in organized criminal activity by a law
17 enforcement officer described by Subsection (b)(1). Written
18 approval under this subsection must be based on cause.

19 (e) To the extent allowed by law, a state or local law
20 enforcement agency shall cooperate with the public corruption unit
21 by providing information requested by the unit as necessary to
22 carry out the purposes of this section. Information described by
23 this subsection is excepted from required disclosure under Chapter
24 552 in the manner provided by Section 552.108.

25 SECTION 2. Not later than December 1, 2010, the Department
26 of Public Safety of the State of Texas shall establish the public
27 corruption unit under Section 411.0207, Government Code, as added

1 by this Act.

2 SECTION 3. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2009.