

By: Carona

S.B. No. 388

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of the law enforcement integrity unit in  
3 the Department of Public Safety.

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

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

7 Sec. 411.0207. LAW ENFORCEMENT INTEGRITY UNIT. (a) In  
8 this section, "law enforcement corruption" means a violation of  
9 state or federal criminal law committed in this state by:

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

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

15 (b) A law enforcement integrity unit is created within the  
16 department to assist in the enforcement of laws relating to law  
17 enforcement corruption. The unit shall:

18 (1) assist district attorneys and county attorneys in  
19 the investigation and prosecution of law enforcement corruption;

20 (2) assist state agencies with the investigation of  
21 complaints and administrative enforcement actions for law  
22 enforcement corruption, including the assessment of an  
23 administrative penalty or other administrative sanction;

24 (3) assist the United States Department of Justice or

1 any other appropriate federal department or agency in the  
2 investigation and prosecution of law enforcement corruption;

3 (4) assist federal agencies with the investigation of  
4 complaints and administrative enforcement actions for law  
5 enforcement corruption, including the assessment of an  
6 administrative penalty or other administrative sanction;

7 (5) serve as a clearinghouse for information relating  
8 to the investigation and prosecution of law enforcement corruption  
9 in this state; and

10 (6) report to the commission.

11 (c) To the extent allowed by law, a state agency or local law  
12 enforcement agency shall cooperate with the law enforcement  
13 integrity unit by providing information requested by the unit as  
14 necessary to carry out the purposes of this section. Information  
15 disclosed under this subsection is confidential and not subject to  
16 disclosure under Chapter 552.

17 (d) The commission may transfer administration of the law  
18 enforcement integrity unit from the department to the office of  
19 inspector general if:

20 (1) an inspector general position is created; and

21 (2) the inspector general investigates the affairs of  
22 two or more agencies, of which at least one agency is not an agency  
23 administered by the Health and Human Services Commission.

24 (e) If the commission transfers the unit:

25 (1) unless modified by a memorandum of understanding,  
26 the administration, including employees, records, and equipment,  
27 of the law enforcement integrity unit shall be transferred from the

1 department to the office of inspector general;

2 (2) unless modified by a memorandum of understanding,  
3 all rules, policies, procedures, and decisions of the department  
4 relating to the administration of the law enforcement integrity  
5 unit are continued in effect as rules, policies, procedures, and  
6 decisions of the office of inspector general until superseded by a  
7 rule or other appropriate action by the office;

8 (3) a reference in law or administrative rule to the  
9 department relating to the administration of the law enforcement  
10 integrity unit means the office of inspector general;

11 (4) the department shall transfer money specifically  
12 appropriated by the legislature for the purpose of administering  
13 the law enforcement integrity unit to the office of inspector  
14 general;

15 (5) the department and the office of inspector general  
16 shall enter into a memorandum of understanding relating to the  
17 transfer of the law enforcement integrity unit from the department  
18 to the office as provided by this section; and

19 (6) the law enforcement integrity unit shall continue  
20 to report to the commission.

21 SECTION 2. Not later than December 1, 2010, the Department  
22 of Public Safety shall establish the law enforcement integrity unit  
23 under Section 411.0207, Government Code, as added by this Act.

24 SECTION 3. This Act takes effect immediately if it receives  
25 a vote of two-thirds of all the members elected to each house, as  
26 provided by Section 39, Article III, Texas Constitution. If this  
27 Act does not receive the vote necessary for immediate effect, this

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1 Act takes effect September 1, 2009.