

1-1 By: Carona S.B. No. 388  
1-2 (In the Senate - Filed December 23, 2008; February 17, 2009,  
1-3 read first time and referred to Committee on Criminal Justice;  
1-4 April 15, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 7, Nays 0; April 15, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 388 By: Carona

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the creation of a law enforcement integrity unit in the  
1-11 Department of Public Safety of the State of Texas.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter A, Chapter 411, Government Code, is  
1-14 amended by adding Section 411.0207 to read as follows:

1-15 Sec. 411.0207. PUBLIC CORRUPTION UNIT. (a) In this  
1-16 section, "organized criminal activity" means conduct that  
1-17 constitutes an offense under Section 71.02, Penal Code.

1-18 (b) A law enforcement integrity unit is created within the  
1-19 department to investigate and assist in the management of  
1-20 allegations of participation in organized criminal activity by:

1-21 (1) an individual elected, appointed, or employed to  
1-22 serve as a peace officer for a governmental entity of this state  
1-23 under Article 2.12, Code of Criminal Procedure; or

1-24 (2) a federal law enforcement officer while performing  
1-25 duties in this state.

1-26 (c) The unit shall:

1-27 (1) assist district attorneys and county attorneys in  
1-28 the investigation and prosecution of allegations described by  
1-29 Subsection (b);

1-30 (2) if requested by the agency, assist a state or local  
1-31 law enforcement agency with the investigation of such allegations  
1-32 against law enforcement officers in the agency;

1-33 (3) assist the United States Department of Justice or  
1-34 any other appropriate federal department or agency in the  
1-35 investigation and prosecution of allegations described by  
1-36 Subsection (b);

1-37 (4) if requested by the agency, assist a federal law  
1-38 enforcement agency with the investigation of such allegations  
1-39 against law enforcement officers in the agency;

1-40 (5) serve as a clearinghouse for information relating  
1-41 to the investigation and prosecution of allegations described by  
1-42 Subsection (b); and

1-43 (6) report to the highest-ranking officer of the Texas  
1-44 Rangers division of the department.

1-45 (d) On written approval of the director or of the chair of  
1-46 the commission, the highest-ranking officer of the Texas Rangers  
1-47 division of the department may initiate an investigation of an  
1-48 allegation of participation in organized criminal activity by a law  
1-49 enforcement officer described by Subsection (b)(1). Written  
1-50 approval under this subsection must be based on cause.

1-51 (e) To the extent allowed by law, a state or local law  
1-52 enforcement agency shall cooperate with the law enforcement  
1-53 integrity unit by providing information requested by the unit as  
1-54 necessary to carry out the purposes of this section. Information  
1-55 described by this subsection is excepted from required disclosure  
1-56 under Chapter 552 in the manner provided by Section 552.108.

1-57 SECTION 2. Not later than December 1, 2010, the Department  
1-58 of Public Safety of the State of Texas shall establish the law  
1-59 enforcement integrity unit under Section 411.0207, Government  
1-60 Code, as added by this Act.

1-61 SECTION 3. This Act takes effect immediately if it receives  
1-62 a vote of two-thirds of all the members elected to each house, as  
1-63 provided by Section 39, Article III, Texas Constitution. If this

2-1 Act does not receive the vote necessary for immediate effect, this  
2-2 Act takes effect September 1, 2009.

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