

BILL ANALYSIS

Senate Research Center

S.B. 1378
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 1378 would give the Alabama-Coushatta Indian Tribe the authority to commission a police force.

The bill retains the current jurisdictional framework between the tribe and the state, and merely allows tribal peace officers to enforce Texas criminal laws on reservation lands only, unless summoned by or assisting a state or local law enforcement agency. This bill does not give the Alabama-Coushatta Indian Tribe the ability to prosecute.

S.B. 1378 also requires that the tribal peace officers meet all standards for certification as a peace officer set by the Texas Commission on Law Enforcement Officer Standards, and specifically states that the peace officers commissioned by this legislation are not entitled to state benefits normally provided by the state to a peace officer.

S.B. 1378 amends current law relating to the authority of the Alabama-Coushatta Indian Tribe to commission peace officers.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 2, Code of Criminal Procedure, by adding Article 2.126, as follows:

Art. 2.126. PEACE OFFICERS COMMISSIONED BY THE ALABAMA-COUSHATTA INDIAN TRIBE. (a) Authorizes the tribal council of the Alabama-Coushatta Indian Tribe to employ and commission peace officers for the purpose of enforcing state law within the boundaries of the tribe's reservation.

(b) Provides that, within the boundaries of the tribe's reservation, a peace officer commissioned under this article:

(1) is vested with all the powers, privileges, and immunities of peace officers;

(2) is authorized, in accordance with Chapter 14 (Arrest Without Warrant), to arrest without a warrant any person who violates a law of the state; and

(3) is authorized to enforce all traffic laws on streets and highways.

(c) Provides that outside the boundaries of the tribe's reservation, a peace officer commissioned under this article is vested with all the powers, privileges, and immunities of peace officers and is authorized to arrest any person who violates any law of the state if the peace officer:

(1) is summoned by another law enforcement agency to provide assistance; or

(2) is assisting another law enforcement agency.

(d) Requires any officer assigned to duty and commissioned under this article to take and file the oath required of peace officers and to execute and file a good and sufficient bond in the sum of \$1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that the officer will fairly, impartially, and faithfully perform the duties as may be required of the officer by law. Authorizes the bond to be sued on from time to time in the name of the person injured until the whole amount is recovered.

(e) Requires any person commissioned under this article to:

(1) meet the minimum standards required of peace officers by the commission relating to competence, reliability, education, training, morality, and physical and mental health; and

(2) meet all standards for certification as a peace officer by the Commission on Law Enforcement Officer Standards and Education.

(f) Provides that a peace officer commissioned under this article is not entitled to state benefits normally provided by the state to a peace officer.

SECTION 2. Effective date: September 1, 2011.