

BILL ANALYSIS

S.B. 1378
By: Nichols
Homeland Security & Public Safety
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Alabama-Coushatta Indian Tribe is a sovereign entity with its own defined boundaries. Interested parties assert that the tribe needs its own law enforcement agency in order to combat crime and monitor traffic within the boundaries of the tribe's reservation. The parties report that other Native American tribes in Texas reserve this same right on their tribal lands.

SB 1378 seeks to authorize the Alabama-Coushatta Indian Tribe to employ and commission peace officers.

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

SB 1378 amends the Code of Criminal Procedure to authorize 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. The bill authorizes a peace officer so commissioned, within the boundaries of the tribe's reservation, to arrest without a warrant any person who violates a state law and enforce all traffic laws on streets and highways and specifies that the peace officer, within those boundaries, is vested with all the powers, privileges, and immunities of peace officers. The bill authorizes a peace officer so commissioned, outside the boundaries of the tribe's reservation, to arrest any person who violates any state law if the peace officer is summoned by another law enforcement agency to provide assistance or is assisting another law enforcement agency.

SB 1378 requires any officer assigned to duty and commissioned under the bill's provisions 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. The bill authorizes the bond to be sued on from time to time in the name of the person injured until the whole amount is recovered. The bill requires any person commissioned as a peace officer under the bill's provisions to meet the minimum standards required of peace officers by the commission relating to competence, reliability, education, training, morality, and physical and mental health and to meet all standards for certification as a peace officer by the Commission on Law Enforcement Officer Standards and Education. The bill excludes a peace officer so commissioned from entitlement to state benefits normally provided by the state to a peace officer.

EFFECTIVE DATE

September 1, 2011