

By: Guillen

H.B. No. 3331

A BILL TO BE ENTITLED

AN ACT

relating to complaints against peace officers.

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

SECTION 1. Section 614.001, Local Government Code is amended to read as follows:

Sec. 614.001. DEFINITIONS. In this subchapter:

(1) "Employer" means the governmental entity or private institution as defined by Sec. 51 Education Code that employs or appoints a peace officer or fire fighter or that the peace officer or fire fighter is elected to serve.

(2) "Fire fighter" means a member of a fire department who performs a function listed in Section 143.003(4), Local Government Code, without regard to whether the individual is subject to a civil service system or program.

(3) "Peace officer" means an individual elected, appointed, or employed to serve as a peace officer for a governmental entity or private institution as defined by Sec. 51 Education Code, under Article 2.12, Code of Criminal Procedure, or other law.

Sec. 614.002. APPLICABILITY OF SUBCHAPTER. This subchapter applies only to a peace officer or fire fighter employed by:

(1) the state;

(2) a municipality with a population of 50,000 or more; or

1 (3) a county with a population of 190,000 or more; or

2 (4) a private institution as defined by Sec. 51

3 Education code; or;

4 (5) airport security personnel commissioned as peace

5 officers by the governing body of any political subdivision of this

6 state; or

7 (6) officers commissioned by the governing body of a

8 metropolitan rapid transit authority under Section 451.108,

9 Transportation Code, or by a regional transportation authority

10 under Section 452.110, Transportation Code.

11 Sec. 614.021. APPLICABILITY OF SUBCHAPTER. (a) Except as  
12 provided by Subsection (b), this subchapter applies only to a  
13 complaint against:

14 (1) a law enforcement officer of the State of Texas,  
15 including an officer of the Department of Public Safety or of the  
16 Texas Alcoholic Beverage Commission;

17 (2) a fire fighter who is employed by this state or a  
18 political subdivision of this state;

19 (3) a peace officer under Article 2.12, Code of  
20 Criminal Procedure, or other law who is appointed or employed by a  
21 political subdivision of this state, or private institution as  
22 defined by Sec. 51 Education Code; or

23 (4) a detention officer or county jailer who is  
24 appointed or employed by a political subdivision of this state.

25 (b) This subchapter does not apply to a peace officer or  
26 fire fighter appointed or employed by a political subdivision that  
27 is covered by a meet and confer or collective bargaining agreement

1 under Chapter 143 or 174, Local Government Code, if that agreement  
2 includes provisions relating to the investigation of, and  
3 disciplinary action resulting from, a complaint against a peace  
4 officer or fire fighter, as applicable.

5       Sec. 51.203. CAMPUS PEACE OFFICERS. (a) The governing  
6 boards of each state institution of higher education and public  
7 technical institute may employ and commission peace officers, as  
8 defined by Article 2.12 Code of Criminal Procedure, for the purpose  
9 of carrying out the provisions of this subchapter. The primary  
10 jurisdiction of a peace officer commissioned under this section  
11 includes all counties in which property is owned, leased, rented,  
12 or otherwise under the control of the institution of higher  
13 education or public technical institute that employs the peace  
14 officer.

15       (b) Within a peace officer's primary jurisdiction, a peace  
16 officer commissioned under this section:

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

19               (2) may, in accordance with Chapter 14, Code of  
20 Criminal Procedure, arrest without a warrant any person who  
21 violates a law of the state; and

22               (3) may enforce all traffic laws on streets and  
23 highways.

24       (c) Outside a peace officer's primary jurisdiction a peace  
25 officer commissioned under this section is vested with all the  
26 powers, privileges, and immunities of peace officers and may arrest  
27 any person who violates any law of the state if the peace officer:

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

3           (2) is assisting another law enforcement agency; or

4           (3) is otherwise performing his duties as a peace  
5 officer for the institution of higher education or public technical  
6 institute that employs the peace officer.

7           (d) Any officer assigned to duty and commissioned shall take  
8 and file the oath required of peace officers.

9           (e) Any person commissioned under this Act must be a  
10 certified police officer under the requirements of the Texas  
11 Commission on Law Enforcement Officers and Standards.

12           Sec. 51.212. PEACE OFFICERS AT PRIVATE INSTITUTIONS.

13           (a) The governing boards of private institutions of higher  
14 education, including private junior colleges, are authorized to  
15 employ and commission peace officers as defined by Article 2.12  
16 Code of Criminal Procedure for the purpose of enforcing:

17           (1) state law on the campuses of private institutions  
18 of higher education; and

19           (2) state and local law, including applicable  
20 municipal ordinances, at other locations, as permitted by  
21 Subsection (b) or Section 51.2125.

22           (b) Any officer commissioned under the provisions of this  
23 section is vested with all the powers, privileges, and immunities  
24 of peace officers if the officer:

25           (1) is on the property under the control and  
26 jurisdiction of the respective private institution of higher  
27 education or is otherwise performing duties assigned to the officer

1 by the institution, regardless of whether the officer is on  
2 property under the control and jurisdiction of the institution, but  
3 provided these duties are consistent with the educational mission  
4 of the institution and are being performed within a county in which  
5 the institution has land; or

6 (2) to the extent authorized by Section 51.2125, is:

7 (A) requested by another law enforcement agency  
8 to provide assistance in enforcing state or local law, including a  
9 municipal ordinance, and is acting in response to that request; or;

10 (B) Otherwise assisting another law enforcement  
11 agency in enforcing a law described by Paragraph (A).

12 (d) The governing boards of private institutions of higher  
13 education are authorized to hire and pay on a regular basis peace  
14 officers commissioned by an incorporated city. The officers shall  
15 be under the supervision of the hiring institution, but shall be  
16 subject to dismissal and disciplinary action by the city. An  
17 incorporated city is authorized to contract with a private  
18 institution of higher education for the use and employment of its  
19 commissioned officers in any manner agreed to, provided that there  
20 is no expense incurred by the city.

21 (e) In this section, "private institution of higher  
22 education" means a private or independent institution of higher  
23 education as defined by Section 61.003.

24 SECTION 2. This Act takes effect September 1, 2013.