

BILL ANALYSIS

Senate Research Center
86R18750 JSC-D

C.S.S.B. 2143
By: Flores
Criminal Justice
4/26/2019
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

S.B. 2143 would amend Article 2.126 of the Texas Code of Criminal Procedure to include the Kickapoo Traditional Tribe of Texas and its Tribal Council to authorize the tribe to employ and commission peace officers for the purpose of enforcing state law within the boundaries of the tribe's reservation. Currently, the code only allows the Alabama-Coushatta Tribe to commission peace officers.

Allowing the Kickapoo Traditional Tribe of Texas to commission peace officers will significantly improve public safety on the reservation as well as in Maverick County, where the Kickapoo Tribe is based.

Given the maze of federal laws, criminal jurisdiction on Indian reservations is complex. Additionally, Indian reservations are typically incredibly rural, increasing response times and making monitoring very difficult. Allowing the an Indian tribe to enforce state laws drastically reduces the strain on the county law enforcement.

Maverick County has approximately 18 county patrol deputies and eight administrative/detective deputy officers responsible for over 1,200 square miles. The Kickapoo Tribe has 10 patrol officers and one supervisor dedicated to the Kickapoo Lucky Eagle Casino and Hotel; plus another 19 peace officers dedicated to policing the reservation.

If commissioned as Texas peace officers with all duties and responsibilities, these officers could reduce the burden on Maverick County by addressing crimes on the Kickapoo Tribe reservation. This would enhance public safety both on the reservation and around the county.

As mentioned, the Alabama-Coushatta Tribe already enjoys this privilege to commission Texas peace officers. This bill ensures parity for the Kickapoo Traditional Tribe of Texas. Peace officers commissioned under this bill would be required to take and file the oath required of peace offices and file a bond with the governor in the amount of \$1,000. They must also meet the minimum standards required of peace officers by the Texas Commission on Law Enforcement (TCOLE) relating to competence, reliability, education, training, morality and physical and mental health, and must meet all standards for certification as a peace officer by TCOLE. This bill would therefore ensure that only those individuals who meet TCOLE's standards could be employed and commissioned as peace officers.

Committee Substitute: The committee substitute corrects an error of Kickapoo tribe name. The original draft read "Kickapoo Indian Tribe." The correct name of the tribe is "Kickapoo Traditional Tribe of Texas"; the committee substitute reflects the correct name.

C.S.S.B. 2143 amends current law relating to the authority of the Kickapoo Traditional Tribe of Texas 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 the heading to Article 2.126, Code of Criminal Procedure, to read as follows:

Art. 2.126. PEACE OFFICERS COMMISSIONED BY THE ALABAMA-COUSHATTA TRIBE OF TEXAS AND THE KICKAPOO TRADITIONAL TRIBE OF TEXAS.

SECTION 2. Amends Article 2.126(a), Code of Criminal Procedure, to provide that the tribal council of the Alabama-Coushatta Tribe of Texas or the tribal council of the Kickapoo Traditional Tribe of Texas, rather than the tribal council of the Alabama-Coushatta Indian Tribe, is authorized to employ and commission peace officers for the purpose of enforcing state law within the boundaries of the tribe's reservation.

SECTION 3. Effective date: September 1, 2019.