

BILL ANALYSIS

C.S.S.B. 267
By: King
Homeland Security & Public Safety
Committee Report (Substituted)

BACKGROUND AND PURPOSE

According to the Sunset Advisory Commission's staff report regarding the Texas Commission on Law Enforcement (TCOLE), there are more than 2,800 law enforcement agencies in Texas. Given the sheer number of different agencies and different internal policies and standards, the state needs to do more to ensure an adequate level of professionalism in law enforcement statewide to ensure better performance. Requiring more law enforcement agencies in Texas to achieve and maintain accreditation through entities such as the Texas Police Chiefs Association Law Enforcement Agency Best Practices Accreditation Program is one way to achieve this. Professionalization will create an environment that fosters better communication between local governments and law enforcement agencies and ensure the highest standard of excellence in law enforcement. C.S.S.B. 267 seeks to address this issue by requiring certain law enforcement agencies to achieve and maintain accreditation and by creating a grant program to provide financial assistance to smaller law enforcement agencies in Texas for certain accreditation purposes.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the Texas Commission on Law Enforcement in SECTION 2 of this bill.

ANALYSIS

C.S.S.B. 267 amends the Occupations Code to require the Texas Commission on Law Enforcement (TCOLE), not later than December 1, 2023, to adopt rules requiring each applicable law enforcement agency to become accredited and maintain accreditation through or by any of the following:

- the Texas Police Chiefs Association Law Enforcement Agency Best Practices Accreditation Program;
- the Commission on Accreditation for Law Enforcement Agencies, Inc.;
- the International Association of Campus Law Enforcement Administrators;
- an accreditation program developed by the Sheriffs' Association of Texas; or
- an association or organization designated as an accrediting agency by TCOLE as provided by the bill.

The rules adopted must require a law enforcement agency that is not already accredited to execute a contract with an approved accrediting entity not later than September 1, 2027, and become accredited not later than September 1, 2029. The bill requires TCOLE to implement a program to assist law enforcement agencies in becoming accredited as required by the adopted rules.

C.S.S.B. 267 requires TCOLE to periodically review associations and organizations that establish standards of practice for law enforcement agencies and that offer accreditation to agencies that meet those standards. On a majority vote of TCOLE that accreditation of law enforcement agencies in Texas by a given association or organization would benefit public safety, TCOLE may designate the association or organization as an accrediting entity. The bill requires a law enforcement agency to report its accreditation status annually to TCOLE, including the applicable accrediting entity. The bill requires TCOLE to post on its website a list of all law enforcement agencies that are currently accredited or under contract with an accrediting entity.

C.S.S.B. 267 amends the Government Code to require the comptroller of public accounts, not later than January 1, 2024, to establish and administer a grant program to provide financial assistance to each law enforcement agency that employs fewer than 250 peace officers for purposes of becoming accredited as required by the rules adopted by TCOLE. The bill requires a law enforcement agency to execute a contract with an accrediting entity and complete an initial assessment by the accrediting entity to be eligible to receive a grant. The bill authorizes the agency, based on the results of that assessment, to request grant funds for reimbursement of an accreditation fee, staff overtime, or temporary staffing necessary to become accredited. The bill authorizes the comptroller to use any revenue available for purposes of the grant program.

C.S.S.B. 267 caps the amount of a grant at \$30,000 and restricts the use of grant money received by a law enforcement agency to purposes of becoming accredited and prohibits an agency from receiving more than one such grant. The bill requires the comptroller to establish the following:

- eligibility criteria for grant applicants;
- grant application procedures;
- guidelines relating to grant amounts;
- procedures for evaluating grant applications, including prioritizing applications from law enforcement agencies employing fewer than 100 peace officers;
- procedures for monitoring the use of an awarded grant and ensuring compliance with any conditions of the grant; and
- procedures for the revocation of an awarded grant if accreditation is not achieved within the period specified by the rules adopted by TCOLE.

C.S.S.B. 267 requires the comptroller to submit a report to the Legislative Budget Board, not later than December 1 of each year, that provides for the preceding state fiscal year the name of each law enforcement agency that applied for a grant and the amount of money distributed to each agency that received a grant. The bill, beginning September 1, 2029, conditions the eligibility of a law enforcement agency to receive any grant supporting law enforcement operations or equipment acquisition administered by the comptroller, other than a grant under the bill, on the agency being accredited as provided by the rules adopted by TCOLE.

The law enforcement agencies to which C.S.S.B. 267 applies are school district police departments and any law enforcement agency employing at least 20 of the following peace officers to answer emergency calls for service or conduct patrol operations, traffic enforcement, or criminal investigations:

- sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license;
- marshals or police officers of an incorporated city, town, or village, and those reserve municipal police officers who hold a permanent peace officer license;
- rangers, officers, and members of the reserve officer corps commissioned by the Public Safety Commission and the public safety director of the Department of Public Safety;
- officers commissioned as public school district peace officers, school resource officers, or security personnel;
- officers commissioned as higher education campus peace officers; or
- law enforcement officers commissioned by the Parks and Wildlife Commission.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2023.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 267 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute expands the law enforcement agencies to which the bill's provisions apply to include a school district police department, irrespective of the number of officers employed by the department, whereas the engrossed version's provisions applied only to agencies that employ at least 20 qualifying peace officers.