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| BILL ANALYSIS |

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| C.S.H.B. 192 |
| By: Oliverson |
| Intergovernmental Affairs |
| Committee Report (Substituted) |

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| **BACKGROUND AND PURPOSE** Accepting Harris County's acknowledgment of reducing certain law enforcement funding, then‑Comptroller Glenn Hegar stated in an April 2023 press release on the matter that "removing rollover budgets, refusing to allow law enforcement agencies to hire patrol officers and other staff despite budgeting for those positions, [and] claiming that planting trees and striping bike lanes is law enforcement" were all methods taken by the county to undermine the rule of law. He further stated that "[f]ully funding the police is also about making sure they have full access to those funds and the flexibility to use that money to keep communities safe and criminals off the streets." C.S.H.B. 192 seeks to address those concerns and prevent what, in that same press release, Representative Oliverson refers to as "accounting tricks [used] to try to prevent the public from gaining real visibility into county efforts to cut funding" for law enforcement and other county-led efforts to "limit the way law enforcement agencies can use the money that has supposedly been appropriated to keep residents safe."Accordingly, C.S.H.B. 192 expands the conditions under which a county with a population of more than 3.3 million is required to hold an election for the reduction of funding or resources for certain primary law enforcement agencies and prohibits such a county from transferring money appropriated to the office of sheriff or constable to the county's general revenue fund or any other county account, prohibiting the office of sheriff or constable from spending money appropriated to the office for any lawful purpose, or prohibiting or restricting the sheriff or constable from using money appropriated to them for a lawful purpose if the county auditor or treasurer determines that the money is available to them.  |
| **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 this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution. |
| **ANALYSIS** C.S.H.B. 192 amends the Local Government Code to do the following with respect to a county with a population of more than 3.3 million:* expand the conditions under which the county is required to hold an election for the reduction of funding or resources for certain primary law enforcement agencies to include a change by the county of an adopted budget that results in a budget for a fiscal year that makes an applicable reduction in funding or resources; and
* include as applicable reductions for purposes of such an election the reallocation of unspent funding that was appropriated to a law enforcement agency and the reallocation of funding previously appropriated for a specific law enforcement position to another agency.

C.S.H.B. 192 prohibits a county with a population of more than 3.3 million from doing the following:* transferring money appropriated to the office of sheriff or constable to the county's general revenue fund or any other county account; or
* prohibiting the office of sheriff or constable from spending money appropriated to the office for any lawful purpose.

The bill prohibits such a county from prohibiting or otherwise restricting the use of appropriated money by the sheriff or constable, as applicable, for a lawful purpose, if the county auditor or county treasurer determines that the money is available to the office of the sheriff or constable, as applicable.  |
| **EFFECTIVE DATE** 91st day after the last day of the legislative session. |
| **COMPARISON OF INTRODUCED AND SUBSTITUTE**While C.S.H.B. 192 may differ from the introduced in minor or nonsubstantive ways, the following summarizes the substantial differences between the introduced and committee substitute versions of the bill.The substitute omits provisions from the introduced that did the following:* authorized the sheriff and a constable, respectively, of a county with a population of more than 3.3 million to enter into a contract with a local government, a property owners' association, or an owner of land to provide law enforcement services in the sheriff's county or the constable's precinct, as applicable, as follows:
	+ in and near the area managed or regulated by the local government or the association or the area owned by the owner; and
	+ to the persons residing in or visiting such an area;
* for purposes of that authorization, defined "local government" as a county, municipality, municipal utility district, school district, junior college district, or other political subdivision of the state and "property owners' association" by reference to Property Code provisions relating to the construction and enforcement of restrictive covenants;
* prohibited the commissioners court of the sheriff's or constable's county from prohibiting or otherwise restricting the sheriff or constable, as applicable, from entering into such a contract;
* authorized the sheriff and constable, respectively, to enter into the contract and determine the contract's terms, regardless of whether the applicable commissioners court approves of the contract or the terms; and
* in relation to money received under the contract:
	+ required the commissioners court to credit the money to the office of the sheriff or constable, as applicable;
	+ prohibited the commissioners court from crediting the money to the county's general revenue fund; and
	+ prohibited the commissioners court from reducing the appropriation to the office of the sheriff or constable, as applicable, by the amount of the money received because the money is considered, for purposes of a required election for the reduction of funding or resources for certain primary law enforcement agencies, as part of the office's appropriation for the county fiscal year in which the money is received.
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