

BILL ANALYSIS

C.S.H.B. 26
By: Oliverson
Intergovernmental Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Harris County Contract Deputy Program allows entities such as homeowner associations, municipal utility districts, and school districts to contract with local law enforcement agencies for the provision of law enforcement services. In general, the program is overseen by Harris County and contracts are based on coverage options of 70, 80, or 100 percent coverage with the cost of the program split between Harris County and the contracting entity. The bill author has informed the committee that increasing friction between local law enforcement agencies and the Harris County Commissioners Court over the terms and conditions of the contracts threatens the sustainability of this program. C.S.H.B. 26 seeks to ensure the continued viability of this law enforcement service arrangement by authorizing sheriffs and constables in a county with a population of more than 3.3 million to enter into and determine the terms of contracts for the provision of law enforcement services with local governments, property owners' associations, or landowners within the same county and by prohibiting the commissioners court of such a county from prohibiting or otherwise restricting a sheriff or constable from entering into those contracts.

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. 26 amends the Local Government Code to authorize 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.

The bill prohibits 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. The bill authorizes 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. The bill defines "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.

EFFECTIVE DATE

91st day after the last day of the legislative session.

COMPARISON OF INTRODUCED AND SUBSTITUTE

While C.S.H.B. 26 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 with respect to an election for the reduction of funding or resources for certain primary law enforcement agencies in a county with a population of more than 3.3 million:

- expanded the conditions under which the county is required to hold such an election 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
- included 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.

The substitute omits provisions present in the introduced that did the following with respect to a county with a population of more than 3.3 million:

- prohibited such a county 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; and
- prohibited 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.

The substitute also omits provisions present in the introduced that did the following in relation to money received under a contract entered into by a sheriff or constable under the bill's provisions to provide law enforcement services in such a county:

- required the commissioners court of the county 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.