

BILL ANALYSIS

Senate Research Center

S.B. 1271
By: Hancock
Veteran Affairs
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Concurrent jurisdiction is when more than one court has the authority to hear a case. This can occur in both civil and criminal cases. Currently, military installations in Texas are subject exclusively to federal jurisdiction. Therefore, investigation and adjudication of juvenile offenses is limited because cases may only be adjudicated in the federal system.

Because Texas has a significant number of active-duty military personnel and the largest number of veterans, which includes their children, it is crucial that they have access to state resources that can better respond to juvenile needs.

S.B. 1271 will allow the state to accept establishment of concurrent jurisdiction over military installations to provide better outlets for juvenile offenders, allowing them to avoid federal court which imposes harsher penalties. This means local and state law enforcement, as agreed upon by the Governor and the federal government, could act on a military base and provide more state resources, better solutions, a focused rehabilitative approach, and a more tailored route to addressing juvenile offenders, their crimes, and misdemeanors.

Analysis:

S.B. 1271 would add Section 2204.104 to the Government Code, giving power to the Governor to accept the establishment of concurrent jurisdiction in Texas over land owned or acquired by the United States for military purposes. The application from the federal government would be filed with the Secretary of State's office and can:

- Seek full or partial concurrent jurisdiction; and
- Include land where no federal jurisdiction exists, or
- Include land where Texas previously ceded jurisdiction to the United States.

The application must include the following:

- Name and position of the authorized representative
- Identification of the authorizing federal law
- Concurrent jurisdiction subject matter
- Purpose of establishing concurrent juvenile jurisdiction
- Evidence of land ownership or acquisition
- True description of metes and bounds of land under subject

Committee Substitute: The committee substitute to S.B. 1271 makes changes to increase the effectiveness of concurrent juvenile jurisdiction in Texas. The substitute:

- Ensures any current or future land the federal government seeks to have under concurrent jurisdiction must undergo the listed application process.
- Adds the ability for the governor to include a procedure allowing the termination of concurrent jurisdiction, and to negotiate details with the federal government.
- Clarifies who is not liable for acts or omissions occurring on land over which concurrent jurisdiction is established.

S.B. 1271 amends current law relating to the concurrent jurisdiction of this state over United States military installations with respect to certain subject matters.

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 Subchapter B, Chapter 2204, Government Code, by adding Section 2204.104, as follows:

Sec. 2204.104. **AUTHORITY TO ACCEPT CONCURRENT JURISDICTION OF THIS STATE OVER UNITED STATES MILITARY INSTALLATIONS.** (a) Defines "political subdivision," "state agency," and "status offense."

(b) Authorizes the governor, on written application of an authorized representative of the United States to the governor, in the name and on behalf of this state, to accept the establishment of concurrent jurisdiction of this state with the United States over land in this state owned or acquired by the United States under Subchapter B (General Provisions for Acquisition of Land and Jurisdiction Over Land by United States) for a military purpose authorized by Section 2204.101 (Consent to United States to Acquire Land). Authorizes an application to seek full or partial concurrent jurisdiction, and authorizes the proposal to include land where no federal jurisdiction exists or land where this state previously ceded jurisdiction to the United States.

(c) Requires that the application under Subsection (b) include certain information.

(d) Requires that the governor's acceptance under this section meet certain criteria.

(e) Authorizes the governor to negotiate with the applicant the specific details regarding the termination procedure required by Subsection (d)(3) (relating to requiring that the governor's acceptance include a procedure allowing for the termination of the concurrent jurisdiction)

(f) Provides that the establishment of concurrent jurisdiction under this section takes effect on the date on which the governor files the following documents with the secretary of state (SOS): the application received under Subsection (b), including the metes and bounds of the land, and the governor's written acceptance under Subsection (d).

(g) Requires SOS, after recording the documents filed under Subsection (f), to provide a certified copy of the documents to the authorized representative who applied under Subsection (b) and file the documents for recording with each county clerk of the county in which the land that is the subject of the application or notice is located.

(h) Authorizes a state agency or political subdivision, on the establishment of concurrent jurisdiction over land under this section, to enter into a memorandum of understanding with any officer or agency of the United States for the purpose of coordinating and assigning duties with respect to the concurrent jurisdiction.

(i) Requires that any establishment of concurrent jurisdiction under this section include, at minimum, the concurrent jurisdiction retained under Section 2204.103.

(j) Provides that a state agency, a political subdivision of this state, and any officer, employee, or agent of the state agency or political subdivision is not liable

for acts or omissions occurring on land over which concurrent jurisdiction is established under this section.

SECTION 2. Amends the heading to Section 2204.103, Government Code, to read as follows:

Sec. 2204.103. CESSION OF JURISDICTION TO UNITED STATES; RETENTION OF AUTHORITY TO EXECUTE LEGAL PROCESS.

SECTION 3. Effective date: upon passage or September 1, 2025.