

Texas Police Chiefs Association



80th LEGISLATURE

TPCA Legislative Committee

Bill Taylor, Rice U.

Tom Nichols, Lubbock ISD

Brian Frieda, Muleshoe

Dave Barber, Hedwig Village

Gary Brye, Memorial Villages

Jim Jones, Houston

Ken Walker, West University

Larry Zacharias, Richardson

Mike Dupree, Atlanta

Tim Vasquez, San Angelo

Tom Mann, Lubbock

G.M. Cox, Corsicana

Randy Freeman, Henderson

Gary Tittle, Dallas

Rick Watson, Dallas

Sean Manix, Austin

Rex Hoskins, Decatur

Laura Anderson, San Antonio

J. Perdue, N. Richland Hills

TPCA 2007 Issues

- F-5
- Pawnshops
- BMV Enhancement
- Restricting CHL from secured area of P.D.
- Change Education Code to allow L.E. to take juveniles back to campus

Increase DNA samples for CODIS

Temp. sealing of search warrant affidavits

Allow cities to receive federal funds for commercial truck inspections

DWI enhancement for .16 +

Racial Profiling

Jurisdiction/Authority

YEAR	INTRODUCED	PASSED
1991	4,684	970
1993	4,560	1089
1995	5,147	1,101
1997	5,741	1,502
1999	5,908	1,638
2001	5,712	1,621
2003	5,754	1,403
2005	5,369	1,397
2007	6,374	1,495

Issue for Legislators—
Partisanship

Issue for TPCA—All rules can be
suspended (It never ended)

General Appropriation Bill

- 152.5 Billion (+14.2 Billion Property Tax Relief)
- 7% overall increase
- 4.6 Billion CJD
- 108.1 Million Border Security, Local Law Enforcement and DPS
- 32.7% comes from federal funds
- 231,755 FTE state employees

Senate Bills Passed

Impacting Law
Enforcement

Senate Bill 6

- Allows search warrants and subpoenas for internet providers. May also make written requests to preserve records pending subpoenas
- ISD's must remove registered sex offenders from regular classroom
- Crimestoppers can pay reward for information about offenders who fail to register.

Senate Bill 8

- Random testing of high school students playing interscholastic league sports for steroids
- Starts 2007-2008 school year

Senate Bill 11

- Homeland Security & Protection of the Public
- Creates Texas statewide mutual aid system
- Designates emergency management directors--mayors (under Gov)

- EMD may designate an emergency management coordinator
- Chief may provide mutual aid if approved by the mayor according to local policies
- Request for mutual aid presumed to be made under the Texas Statewide Mutual Aid system unless have a written mutual aid agreement

- State system mandate do's and don'ts
- Emergency management division of Gov's office in charge of state system
- COG boundaries are designated as disaster districts
- Each district has a disaster district committee chaired by a DPS highway patrol commander

- Local government entity not required to provide mutual aid unless entity has sufficient resources
- Response organized and functions in accordance with NIMS
- Personnel, equipment, and resources of responding entity under operational control of requesting entity

- Direct supervision remains with responding entity
- May get reimbursed
- State employee who is a ham operator may get 10 days paid leave
- ISD's must report security audit to Texas School Safety Center
- Colleges/Universities may use model plan developed by Center

- Exempts emergency vehicles from paying tolls even if not on emergency
- Police vehicle is defined as a vehicle of a governmental entity primarily used by peace officers (2.12)
- Private emergency organizations may also have emergency vehicles

- Expands wiretap to include kidnapping, aggravated kidnapping, human trafficking, and money laundering
- Requires emergency management training and training on activation of emergency alert system
- Creates statewide data base on sale and transfer of vehicles in real time

- Temporary tags will have a vehicle-specific number
- Officers that are members of state or federal rescue team get same paid leave as national guard
- Military can get special license plates
- Requires records for administering vaccines to first responders

- Training for first responders about vaccination registry
- A judge may issue a temporary custody order for a person with a communicable disease
- Changes police officers at private colleges from security to peace officers

- Allows for enforcing of state and local law including city ordinances
- Jurisdiction is within county in which college has land
- Can assist other agencies
- Allows binding arbitration for offices of certain colleges

- Expands penal code on trafficking of persons to include threatening to report person to INS or other LE
- Can ban fireworks under a state of disaster
- Creates border security council appointed by the Gov
- Changes requirements to be included in data base for criminal street gang

- Self admission made during judicial proceeding
- A person, parent, or guardian may request to determine whether “Johnny” is in the gang data base
- DPS commission expanded from 3 to 5 and must reflect the diverse geographic regions and populations of the state

- Enhance DL's for border crossings
- Includes biometric matching
- Et cetera, et cetera, et cetera....

Senate Bill 66

- If have cattle guards on county road, cattle are not “running at large”

Senate Bill 74

- AG must create substitute PO Box for victim of family violence, sexual assault, or stalking
- LE must give forms to victim for pseudonym
- LE must substitute pseudonym on all reports and files, notify the AG of the form, and maintain form in a way to protect the confidentiality of the victim

Senate Bill 82

- ISD's must create an extracurricular activity safety training program, emergency action plan, CPR, how to call 911, how to recognize serious injuries
- Prohibits unsafe athletic activities (can't use helmet as a weapon)

Senate Bill 112

- During state of disaster, may take firearm if immediately necessary to protect officer or others
- Must return firearm if don't arrest

Senate Bill 153

- If riding with person with learner's permit, can't sleep, be drunk, or text message

Senate Bill 222

- Can put security freeze on consumer agency report without police report

Senate Bill 244

- Allows temporary sealing of search warrant affidavit by district or appellate judge if DA shows public disclosure would jeopardize safety of victim, witness, or CI; cause destruction of evidence; or expose that information came from an ongoing wiretap..31/30 days

Senate Bill 322

- CPS cannot prohibit firearms in foster homes
- May set minimum standards for safety and storage

Senate Bill 342

- 143 cities eligibility requirements for beginning position in PD
- 21 yoa and have military service or 60 hours college or 5 years as peace officer

Senate Bill 378

- Person may use force/deadly force to protect from another's use of unlawful force to enter occupied habitation, vehicle, or business
- To prevent removal of person from same
- Prevent agg. kidnapping, murder, sexual assault, agg. sexual assault, robbery, or agg. robbery

- Did not provoke person
- No duty to retreat
- Immune to civil liability

Senate Bill 410

- City LE have jurisdiction on entire lake if any of lake is within city or ETJ
- Must have MOU with Sheriff
- Officer must be certified as marine safety officer
- Have approval of TX P & W

Senate Bill 457

- Any surviving minor child of slain officer eligible for educational benefit
- Does not have to have been claimed as a dependent

Senate Bill 526

- Fire marshall/arson investigator can use unmarked car

Senate Bill 545

- Lowers population from 100,000 to 50,000 for officer to be certified to do truck inspections
- Cities of 34,000 in a county that borders 2 or more states
- City that is in a county bordering a foreign country

Senate Bill 722

- Allows LE to “summarily “ destroy controlled substance plants without court order
- DPS to set rules

Senate Bill 766

- Accident reports now go to TXDOT along with all related DPS personnel and money (86 FTE)

Senate Bill 823

- Allows certain officers to possess and operate pen registers and ESN readers

Senate Bill 949

- Prohibits City/County from requiring private business to hire peace officer at business
- Does not apply to public events or private event at public facility owned/leased by city/county
- Public escort, direct traffic on public roadway or under court order

Senate Bill 1119

- Authorizes red light cameras
- Provides for civil penalty
- Can contract for administration and enforcement of system
- Cannot do a specified percentage or dollar amount

- Must to traffic engineering study to determine likelihood of reducing violations
- Must report results to citizen advisory committee
- Must use signage to alert motorists that red light camera is in use at intersection

- Cannot report civil penalty to credit bureau
- Before installing cameras, must do 18-month study of number and type of accidents at intersection and provide DPS a copy within 6 months of installation
- Annual report to DPS to show reduction in accidents or severity of accidents
- Class A to use image for any other purpose

- \$75 limit on penalty—late fee not to exceed \$25
- After deducting cost of system, 50% of funds go to regional trauma center
- Must provide for a hearing--May file appeal to a city judge
- May still work regular red light enforcement

- Presumption that owner committed violation
- Rental car companies must provide name of renter

Senate Bill 1562

- Defines animal control officer
- Requires basic training (12 hrs)
- Requires 30 hours training every 3 years
- Peace officer is exempt
- Requires facility certificate
- Second degree felony to kill or attempt to kill police service animal or permanently damage animal

Senate Bill 1709

- Peace officer may disarm CHL before entering non-public secure portion of LE facility
- Must provide gun locker and signage
- Facility means a building or portion of a building used exclusively by a LE agency
- Non-public means access denied without express permission and granted solely to conduct official business

Senate Bill 1786

- DPS to create data base for car dealers to report sales/transfers of vehicles in real time
- Temporary tags will have vehicle-specific number

CAPT. JAMES JONES

HOUSTON POLICE DEPARTMENT

THANK YOU