

BILL ANALYSIS

S.B. 308
By: Whitmire
Higher Education
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Current law allows a private institution of higher education to create and operate licensed campus police departments with commissioned officers who, under certain circumstances, have all the authority and powers vested in other Texas peace officers. Interested parties note that recent instances have been documented in which these private campus police declined to produce records of arrest and documents related to those arrests that a public police department would be compelled to produce under state public information law as a governmental entity. According to the parties, in declining to produce records requested by media, public individuals, and even legislative offices, these campus police departments cited that they are not considered to be a governmental entity and therefore are not subject to state public information law, despite being licensed by the state and vested with peace officer powers. S.B. 308 seeks to address this issue by subjecting campus police departments at private institutions of higher education to state public information law.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill expressly does one or more of the following: creates a criminal offense, increases the punishment for an existing criminal offense or category of offenses, or changes 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

S.B. 308 amends the Education Code to establish a campus police department of a private institution of higher education as a law enforcement agency and a governmental body for purposes of state public information law only with respect to information relating to law enforcement activities. The bill removes statutory language conditioning the powers, privileges, and immunities with which a peace officer commissioned by the governing body of a private institution of higher education while performing certain duties is vested on those duties being consistent with the educational mission of the institution.

EFFECTIVE DATE

September 1, 2015.