

- SUBJECT:** Licensing and jurisdiction of medical corporation security officers
- COMMITTEE:** Law Enforcement — committee substitute recommended
- VOTE:** 7 ayes — Driver, Garza, Hupp, Burnam, Y. Davis, Hegar, Keel
0 nays
- SENATE VOTE:** On final passage, April 8 — voice vote (Janek recorded nay)
- WITNESSES:** For — Keith Howse, Baylor Health Care System; Bill Lewis, Mothers
Against Drunk Driving
Against — Mark Clark, Houston Police Officers' Union
- BACKGROUND:** Education Code, sec. 51.212 allows the boards of private institutions of higher education to commission security officers. Sec. 51.214 allows private, nonprofit medical corporations in cities with populations of 1.18 million or more (Dallas and Houston) to employ and commission security personnel as peace officers for institutions of higher education in a medical complex and its branches. Such officers have all the powers, privileges, and immunities of a peace officer while on the property under the control and jurisdiction of the medical corporation or while otherwise performing assigned duties.
- DIGEST:** CSSB 568 would amend Education Code, sec. 51.214 to specify that a private, nonprofit medical corporation in a city with a population of 1.18 million or more could not commission a security officer unless the person had been licensed by the Commission on Law Enforcement Officer Standards and Education (CLEOSE). The medical corporation would have to pay the fees needed to obtain that license. A person's license would be revoked automatically if he or she no longer were employed by the medical corporation for any reason.
- The bill would define the jurisdiction of a medical corporation peace officer as property owned, leased, managed or controlled by the medical corporation and any street or alley abutting the property, as well as any right-of-way or easement over, through, or in the property.

A medical corporation peace officer would not be entitled to compensation or benefits paid by the state or a political subdivision. Neither the state nor a political subdivision would be liable for an act or omission by a medical corporation peace officer.

The bill would take effect September 1, 2003. A medical corporation peace officer commissioned before that date would have to obtain a license by September 1, 2004, or the commission would be revoked automatically.

**SUPPORTERS
SAY:**

Trained, uniformed medical corporation peace officers can enforce the law in parking lots and other areas controlled by a hospital, but current law prevents them from responding to accidents or driving-while-intoxicated offenses that occur on public streets that pass through hospital property. CSSB 568 would provide a common-sense and limited remedy for this problem. Medical corporation security officers should not have to call in other law enforcement agencies to handle situations that require immediate attention.

CSSB 568 would specify that medical corporation peace officers must meet the same strict CLEOSE standards that all other law enforcement officers must meet to carry a gun and badge in Texas. The bill would not interfere with the hospital corporation's ability to pay market wages and benefits. It also would prevent these peace officers from imposing additional costs or liabilities on state or on city taxpayers. However, the medical corporation would remain responsible for maintaining the professional standards of its peace officers, or the corporation could be civilly and criminally liable for actions of those officers.

All law enforcement agencies need authority to respond to possible terrorists activities in the wake of September 11, 2001. Medical corporations should be able to prepare security, attack, and disaster preparation plans for the public streets abutting their facilities. Their security officers could respond quickly to situations in which the hospital itself might be at risk or when access to the hospital would be denied in case of a natural or manmade disaster.

CSSB 568 properly would limit the jurisdiction to the medical corporation's property and the public streets running through or immediately adjacent to the hospital complex. It would not grant the authority to patrol the surrounding neighborhood or make traffic stops outside the hospital boundaries.

- OPPONENTS SAY:** Empowering essentially privately hired peace officers to enforce the law on public streets would raise questions about accountability. These peace officers have full authority to arrest people or even take their lives. When publicly employed peace officers abuse their power, citizens have redress through elected state and local officials, but it is not as clear who would be liable for the wrongful actions of medical corporation peace officers.
- OTHER OPPONENTS SAY:** The bill should grant medical corporation peace officers jurisdiction within one mile of the perimeter of a private institution campus, the same jurisdiction as allowed under Code of Criminal Procedure, art. 2.123 for adjunct police officers serving private institutions in counties with populations of less than 200,000. The law should be consistent for all private institutions of higher education, regardless of a county's size.
- NOTES:** The committee substitute modified the Senate engrossed version of SB 568 by deleting provisions that would have extended the medical corporation peace officer's jurisdiction to one mile from the property owned, leased, managed, or controlled by the medical corporation.