

SUBJECT: Creating a public corruption unit in the Department of Public Safety

COMMITTEE: Public Safety — favorable, without amendment

VOTE: 5 ayes — Merritt, Frost, Burnam, Driver, Rodriguez

0 nays

4 absent — P. King, Lewis, Mallory Caraway, Vo

SENATE VOTE: On final passage, April 24 — 30-0

WITNESSES: For — (*Registered, but did not testify*: Jazmin Acuna, Texas Criminal Justice Coalition; Matt Simpson, The ACLU of Texas)

Against — None

DIGEST: SB 388 would create a Public Corruption Unit within the Department of Public Safety (DPS) to investigate and assist in the management of allegations of participation in organized criminal activity by a person serving as a peace officer in this state, or a federal law enforcement officer while performing duties in this state, no later than December 1, 2010.

The unit would:

- assist district and county attorneys, the U.S. Department of Justice, or any other appropriate federal department or agency in the investigation and prosecution of organized crime allegations;
- assist a state or local law enforcement agency or federal law enforcement agency with the investigation of allegations against the agency's officers, if requested by the agency;
- serve as a clearinghouse for information related to the investigation and prosecution of organized crime allegations; and
- report to the highest-ranking officer of the Texas Rangers division of the DPS.

On written approval of the director or chair of the Public Safety Commission, the highest-ranking officer of the Texas Rangers could

initiate an investigation of an organized crime allegation by a law enforcement officer.

To the extent allowed by law, a state or local law enforcement agency would be required to cooperate with the unit by providing information requested by the unit as necessary to carry out the purposes of sec. 411.0207. This information would be excepted from disclosure under the Public Information Act.

The bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house. Otherwise, it would take effect September 1, 2009.