

BILL ANALYSIS

Senate Research Center

S.B. 1125
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Criminal Justice
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As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

When a police force is not directly responsible to an elected government entity, such as a city council or county commissioners court, it is difficult and sometimes impossible to clarify their duties, responsibilities, or privileges.

The term "gypsy cop" is a phrase used by law enforcement officers to refer to an officer who moves from one area to another frequently, never remaining accountable to any one supervisor or set of elected officials long enough to be properly evaluated or disciplined.

The Senate Criminal Justice Committee Interim Report to the 79th Legislature recommended that the legislature should resist and cease the ad hoc inclusion of naming new agencies, districts, and organizations as peace officers and consider a reorganization of specialized police agencies into a separate category that provides clarity regarding their duties, responsibilities, and privileges.

Some of the least accountable special police forces in Texas are drug task forces that were at one time funded by federal Byrne grants that are awarded by the Criminal Justice Division of the Office of the Governor. While they were receiving federal Byrne grant funds, these drug task forces were at least required to meet certain minimum criteria in order to continue to receive those funds. Over the past few years, some of the Byrne-funded drug task forces have decided to continue to exist but discontinue applying for the Byrne funds. These drug task forces continue to operate on income generated by their asset forfeiture proceedings and/or contributions from various local governments, but are no longer bound to any unified strategy or set of policies.

The duties, responsibilities, and privileges of the drug task forces which are no longer funded through the federal Byrne grants are unclear.

The second issue addressed in S.B. 1125 is the dire need for substance abuse treatment services in the state of Texas. According to President Bush's National Drug Control Strategy, only 18 percent of the people who need substance abuse treatment are receiving it. Treatment is almost nonexistent in certain counties in our state, especially for Texans who cannot afford to pay for private substance abuse treatment services. Texans who live in the panhandle, the valley, east Texas, and west Texas have to travel long distances to get treatment because there are virtually no such services in those parts of Texas. At the same time, the United States Department of Justice, National Institute of Corrections, research shows that substance abuse treatment is one of the most effective ways to reduce criminal behavior.

Texas should apply funds that are received through narcotics law enforcement, such as asset forfeiture funds, to crime-fighting programs that have proven to effectively reduce narcotics crime.

As proposed, S.B. 1125 abolishes any multijurisdictional drug task force that has not been awarded a grant in 2004 and channels one-half of the asset forfeiture funds that are received by multijurisdictional drug task forces to fund substance abuse treatment services for the citizens of our state.

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 Section 772.006, Government Code, by adding Subsection (d), to provide that any multijurisdictional drug task force that has not been awarded a grant under this section in the year 2004 is abolished.

SECTION 2. Amends Article 59.06, Code of Criminal Procedure, by adding Subsection (q), to authorize a multijurisdictional task force, notwithstanding any other provision of this article, if a multijurisdictional drug task force is involved in the seizure of contraband, to retain only 50 percent of the disposition of the proceeds from the forfeiture of the contraband. Requires the remaining 50 percent of the proceeds to be deposited in a substance abuse treatment account in the county treasury in the county in which the seizure was made. Authorizes proceeds deposited in the substance abuse treatment account to be used only for the prevention of drug abuse, for chemical dependency treatment, or for any other service or program that will likely lead to the reduction of drug use in that county.

SECTION 3. Requires any multijurisdictional drug task force that is abolished by this Act to forfeit all remaining proceeds to the state treasury for deposit in the General Revenue Fund.

SECTION 4. Effective date: upon passage or September 1, 2005.