

BILL ANALYSIS

Senate Research Center

S.B. 1735
By: West
Higher Education
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

In October 1988, the Baylor University Medical Center/Baylor Health Care System Department of Public Safety (Baylor DPS) was approved to operate as a campus police agency by the Texas Commission on Law Enforcement Officer Standards and Education. The 78th Legislature, Regular Session, 2003, while amending certain sections of the Education Code, made certain clarifying changes to better delineate the jurisdiction of Baylor DPS, which provides vital and extensive security and police services to various affiliated medical campuses and facilities situated in several adjoining counties. These police services are wholly supported through private funding from the nonprofit medical corporation, relieving local government agencies of the considerable burden of providing a police presence and related enforcement activity on these campuses and affiliated hospitals, while still allowing local police agencies to provide assistance in appropriate circumstances.

After various amendments, the provisions of this enabling section have become confusing and inconsistent with other provisions of the code. Additional clarifying language is necessary to more plainly delineate the corporate authority to commission peace officers, and more precise terminology is needed to better define the jurisdiction of Baylor DPS as extending clearly to all Baylor-related medical campuses and facilities. This legislation will conform the jurisdictional limitations of the Baylor DPS to the sister provisions applicable to police departments commissioned by private institutions of higher education generally in Section 51.212 (Peace Officers at Private Institutions), Education Code.

S.B. 1735 amends current law relating to providing police and security services for certain post-secondary educational institutions.

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 Sections 51.2125(a) and (c), Education Code, as follows:

(a) Provides that this section applies only to a private institution of higher education that has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a home-rule municipality that has a population of 1.18 million or more and is located predominantly in a county that has a total area of less than 1,000 square miles. Deletes existing text providing that this section applies only to a private institution of higher education that has a fall head count enrollment of more than 10,000 students and that has under its control and jurisdiction property that is contiguous to, or located in any part within the boundaries of, a municipality with a population of more than one million.

(c) Authorizes a mutual assistance agreement authorized by this section to designate the geographic area in which the campus peace officers are authorized to provide assistance to the peace officers of the municipality, except that if the agreement is entered into with a municipality described by Subsection (a) that elects all or part of the municipality's governing body from election districts, rather than a municipality with a population of more than one million, the designated geographic area consists of each of the election

districts of the municipality's governing body that contains any part of the campus of the institution and each of the election districts of the governing body that is contiguous to another municipality that contains any part of the campus of the institution.

SECTION 2. Amends Sections 51.214(a), (c), (d), (f), and (g), Education Code, as follows:

(a) Authorizes the governing board of a private, nonprofit medical corporation, or of the parent corporation of such medical corporation, that provides police or security services for an institution of higher education or a private postsecondary educational institution located within one of the medical corporation's or parent corporation's medical complexes, rather than a private postsecondary educational institution and other entities located within the same medical complex, or that provides police or security services for another medical complex legally affiliated with or owned, leased, managed, or controlled by the medical corporation, rather than a branch of that medical corporation, or parent corporation in any municipality with a population of 1.18 million or more, to employ and commission police or security personnel to enforce the law of this state within the jurisdiction designated by Subsection (c).

(c) Provides that the jurisdiction of an officer commissioned under this section is limited to:

(1) property under the control and jurisdiction of the private, nonprofit medical corporation or its parent corporation or any entity legally affiliated with or owned, leased, managed, or controlled by the medical corporation or its parent corporation. Makes nonsubstantive changes;

(2) a street or alley that abuts the property or an easement in or right-of-way over or through the property described by Subdivision (1); and

(3) any other location in which the officer is otherwise performing duties assigned to the officer by the private, nonprofit medical corporation or its parent corporation, regardless of whether the officer is on property under the control and jurisdiction of the medical corporation or its parent corporation, provided that the assigned duties are consistent with the mission of the medical corporation or its parent corporation and are being performed within a county in which the medical corporation or its parent corporation owns real property.

(d) Provides that an officer commissioned under this section, rather than an officer commissioned by a medical corporation under this section, is not entitled to compensation or benefits provided by this state or a political subdivision of this state.

(f) Prohibits a person from being commissioned, rather than prohibiting a medical corporation from commissioning a person, under this section unless the person obtains a peace officer license issued by the Commission on Law Enforcement Officer Standards and Education (TCLEOSE). Requires the employing medical corporation or parent corporation to pay to TCLEOSE on behalf of an employee any fees that are necessary to obtain a required license.

(g) Provides that a person's commission and any authority to act as an officer under this section are automatically revoked if the person's employment is terminated for any reason, rather than if a person's employment with a medical corporation is terminated for any reason.

SECTION 3. Effective date: upon passage or September 1, 2009.