

BILL ANALYSIS

Senate Research Center

S.B. 308
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Criminal Justice
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Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State law allows a private university to create and operate campus police departments that are licensed by the Texas Commission on Law Enforcement and by law have all the authority and powers vested in Texas peace officers. Recent events have been documented of these private university campus police declining to produce records of arrest and documents related to those arrests that a public police department would under the Texas Open Records Act as a government entity. In declining to produce the records requested by media, public individuals and even legislative offices, these campus police departments cited that they are not a government entity and are not subject to the Texas Open Records Act, even though they are licensed by the State of Texas and vested with peace officer powers on and off their private university property. In fact at least two of these major events where records were sought occurred on public property not near the campus property.

S.B. 308 corrects this oversight and places the private university campus police departments as a government entity that is subject to the Texas Open Records Act and requires them to be subject to request for information as any other public governmental police agency.

S.B. 308 amends current law relating to the powers and duties of campus police departments at private institutions of higher education.

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 51.212, Education Code, by amending Subsection (b) and adding Subsection (f), as follows:

(b) Provides that any officer commissioned under the provisions of this section is vested with all the powers, privileges, and immunities of peace officers if the officer:

(1) is on the property under the control and jurisdiction of the respective private institution of higher education or is otherwise performing duties assigned to the officer by the institution, regardless of whether the officer is on property under the control and jurisdiction of the institution, but provided these duties are being performed within a county in which the institution has land, rather than duties that are consistent with the educational mission of the institution and are being performed within a county in which the institution has land; or

(2) to the extent authorized by Section 51.2125 (Private Institutions: Authority to Enter Into Mutual Assistance Agreement) is:

(A) requested by another law enforcement agency to provide assistance in enforcing state or local law, including a municipal ordinance, and is acting in response to that request; or

(B) otherwise assisting another law enforcement agency in enforcing a law described by Paragraph (A).

(f) Provides that a campus police department of a private institution of higher education is a law enforcement agency and a governmental body for purposes of Chapter 552 (Public Information), Government Code, only with respect to information relating solely to law enforcement activities.

SECTION 2. Effective date: September 1, 2015.