

BILL ANALYSIS

Senate Research Center
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S.B. 308
By: Whitmire
Criminal Justice
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As Filed

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.

As proposed, S.B. 308 amends current law relating to the application of public information laws to 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, as follows:

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

SECTION 2. Effective date: September 1, 2015.