



City of San Antonio

Agenda Memorandum

File Number:17-1276

Agenda Item Number: 3.

Agenda Date: 1/18/2017

In Control: Criminal Justice, Public Safety and Services Committee

DEPARTMENT: Government and Public Affairs

DEPARTMENT HEAD: Jeff Coyle

COUNCIL DISTRICTS IMPACTED: City Wide

SUBJECT:

85th State Legislative Session Public Safety Briefing

SUMMARY:

The Government and Public Affairs Department (GPA) will provide a briefing on State Legislative items related to public safety.

BACKGROUND INFORMATION:

The Texas Legislature meets every two years in odd numbered years. The 85th Texas Legislative Session began on January 10, 2017. The City's policy priorities and legislative initiatives are codified in the City of San Antonio State Legislative Program. City Council approved the program for the 85th legislative session on September 1, 2016. The Legislative Program includes support for legislation that would improve public health and safety and maintain the ability of local officials to pass ordinances for the benefit and best interests of constituents. Each session, thousands of bills are filed but only some will pass. Bill pre-filing for the legislative session began on November 14, 2016; as of January 11, 2017, more than 1,380 bills have been filed. Last legislative session, nearly 6,500 bills were filed but only 20% of those passed. The purpose of this memo is to provide a summary of public safety related bills that have been filed.

ISSUE:

Below is a summary of some public safety related bills that have been filed for the 85th state legislative session.

The Government & Public Affairs Department will work with San Antonio Police Department to monitor these bills and determine the legislative strategy in alignment with the City's State Legislative Program.

Public Education and Law Enforcement Training [SB 202 (West), SB 273 (Whitmire), SB 233 (Menendez)]

Bills related to developing and implementing additional education and training of civilians, students, and law enforcement officers on proper behavior when interacting with each other have been filed. SB 202 and 273 require instruction on interaction with law enforcement officers in the curriculum for 9th grade students. SB 202 additionally requires law enforcement officers to receive training on proper interaction with civilians. SB 233 requires the inclusion of information regarding law enforcement procedures for traffic stops in driver education and safety courses as well as the establishment of a statewide education program for law enforcement officers on proper procedures during traffic stops.

Human Trafficking [SB 128 (Garcia), HB 272 (Thompson), SB 168 (Rodriguez), HB 269 (Thompson), HB 761 (Hernandez), HB 612 (Leach)]

Most human trafficking related bills filed deal with additional training and education on recognizing instances of human trafficking and ensuring law enforcement authorities are notified of suspected cases of trafficking. Additional required training is proposed for commercial driver's license holders, law enforcement officers within State agencies which operate in counties along the Texas-Mexico border, and certain physicians. Other filed changes include facilitating the setting aside of convictions and the expunction of criminal records in convictions of prostitution when the violation was tied to human trafficking and granting special immigrant status for youth who have been the victims of human trafficking.

Psychological Examination [HB 625 (Johnson)]

This bill would require law enforcement officers to submit to a psychological exam every two years.

Cite and Release [HB 567 (White), HB 571 (Johnson), HB 574 (Thompson)]

Law enforcement officers currently have discretion to give a citation and release individuals who are charged with misdemeanors punishable by a fine only. These bills would limit officer discretion by restricting an officer's response to 'cite and release' for certain misdemeanors.

Texting while Driving Bans [HB 62 (Craddick), SB 31 (Zaffirini), HB 160 (Lucio)]

Bills would prohibit the use of wireless communication devices while driving, with exceptions for the use of GPS systems, 'hands free' devices, and those used in conjunction to employment and public safety related uses. These bills do not specifically prohibit municipalities from banning devices while driving.

Cyberbullying/Anti-bullying [SB 179 (Menendez), HB 306 (Minjarez), SB 180 (Menendez), HB 305 (Minjarez), SB 181 (Menendez)]

Senator Menendez has filed 'David's Law,' a set of stricter anti-bullying and cyber bullying laws created in response to the suicide of a San Antonio youth. The bills would expand the definition of bullying and a schools' responsibility and capability to investigate on and off-campus incidents of bullying. Several bill versions also create a misdemeanor offense for cyber bullying.

Transportation Network Companies [SB 361 (Nichols), SB 176 (Schwertner), SB 113 (Huffines)]

Bills authorize the state to regulate Transportation Network Companies (TNC) and set out the requirements for licensing. These bills also prohibit municipalities from regulating TNCs. SB 113 prohibits the municipal regulation of for-hire passenger transportation, including taxicabs, limousines, and TNCs, without creating a statewide regulatory system.

Sanctuary Cities [HB 754 (Fallon), SB 4 (Perry), HB 611 (Leach), HB 763 (Shaheen), HB 124 (Krause), HB 328 (Workman)]

These bills would prohibit local law enforcement agencies from having policies, written or otherwise, which limit the ability of officers to inquire about immigration status, requires the utilization of the federal Priority Enforcement Program operated by Immigration and Customs Enforcement (ICE) for arrested individuals to determine their status, and requires law enforcement to comply with immigration detainers.

Mental Health [SB 292 (Huffman, Nelson, Schwertner), SB 344 (West), HB 909 (Romero Jr.)]

SB 292 creates a grant program available to local collaboratives to reduce recidivism, arrest, and incarceration of individuals with mental illness, with eligible activities including jail diversion programs and rapid response teams to reduce law enforcement involvement with mental health emergencies.

SB 344 gives law enforcement officers the option of obtaining the assistance of a licensed paramedic in order to transport individuals with mental health problems to a mental health facility, as required by law. Under the current statute, the law enforcement officer must be the person to transport the individual in custody.

SB 909 extends the period during which a person may be held under an emergency detention for a preliminary examination from 48 hours to 72 hours.

ALTERNATIVES:

This is a briefing for informational purposes only.

FISCAL IMPACT:

This is a briefing for informational purposes only.

RECOMMENDATION:

This is a briefing for informational purposes only.