

Memorandum



DATE: September 9, 2011

TO: Members of the Public Safety Committee

SUBJECT: **Legislative Agenda – Results**

On May 30, 2011, the 82nd Legislature for the State of Texas concluded their 140 day regularly scheduled session. A total of 5,796 bills were filed this session compared to last session's 7,424 bills, reflecting a 22% decrease in bills filed. Last session we tracked 754 bills with criminal justice related concerns compared to 820 tracked bills this session.

Last session, 151 of the bills tracked passed into law, compared to 204 tracked bills passing into law this session, showing an increase of 35% of criminal justice related bills passing during the 82nd Legislature.

	81st Session	82nd Session	Change
Bills filed	7,424	5,796	- 22%
Bills tracked	754	820	+ 9%
Bills tracked that passed	151	204	+ 35%
Percent passed vs filed	2%	3.5%	+1.5%
Percent passed vs tracked	20%	24.8%	+4.8%

As a whole, the Dallas Police Department and law enforcement experienced a positive session and avoided passage of most legislation that would have created major negative impacts on our profession and our department. While not accomplishing all that we had hoped for, we were successful in passing several pieces of favorable legislation. Additionally, we were able to stall some less desirable bills and prohibit legislation that would have nullified a similar ordinance shared by several cities.

During the fall of 2010, the City of Dallas legislative agenda was created. The following information includes the results of bills related to the Dallas Police Department's priority agenda of which four of the six issues resulted in the passage of legislation.

ATM Thefts – Passed

SB887 by Carona/Riddle

- Makes the theft of an ATM machine or its contents or components, a Felony of the Second Degree.
- ATMs are the primary targets in several Penal Code violations such as burglary, robbery, theft, and criminal mischief.
- The variety of offense options based on the elements involved in the taking of an ATM often lead to the crimes being prosecuted in an inconsistent manner.
- SB887 will remedy the problem and provide consistent means of prosecution.

Licensing of Sexually Oriented Businesses – Passed

SB1030 by Carona/Anchia

- The change would cause every business that applies for a Sexually Oriented Business license to post intent for application unless the location currently has a permit.
- Currently, a business is not required to post a notice if the address location has ever held a Sexually Oriented Business license even if it does not hold a license at the time of the latest application.
- SB1030 provides transparency of the license application for the community.

Cargo Theft Prosecution – Passed

SB1103 by Carona/Carter

- Changes will make prosecution easier in theft cases, including those that involve auto theft, in which people are in possession of the stolen property in a county other than the county in which the property was originally stolen.
- The change lessens the burden of law enforcement from proving the person in possession of the property is actually the one who stole the property.

Metal Thefts - Passed

SB694 by West/Smith, Wayne

The bill works in concert with our city ordinance and includes changes such as:

- Requires a digital photo or video of the seller's face and regulated material.
- Allows a municipality to require a seller's thumbprint.
- Requires proof of rightful possession to sell any coil or condenser parts from a central heat and air condition system.
- Prohibits the sale/purchase of burned wiring.
- Requires electronic reporting of transactions to DPS for state database.
- Classifies catalytic converters as regulated metal.
- Creates a criminal offense of Class B Misdemeanor to operate w/out state registration.

Thumbprints on Citations – Failed

HB1377 by Taylor, Van

- The bill moved out of Public Safety Sub-Committee and died.
- This would be similar to the way a signature is required now, but only if valid Texas driver's license is NOT presented. The change would have allowed an officer to request a thumbprint from an offender at the time a citation is issued.
- This was an effort to reduce the number of false identities on traffic citations and assists municipal courts in proper prosecution.

Fleeing Suspect – Failed

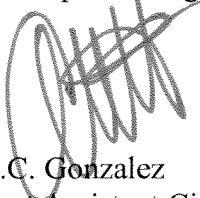
HB341 by Fletcher

- The bill moved through the House unopposed. No hearing was set in the Senate Criminal Justice Committee.
- When suspects evade arrest on foot, they sometimes enter into buildings and residences without authorization. This act only results in a Class B or Class A Criminal Trespass, respectively.
- The bill would have increased the penalty to a Second Degree Felony when suspects enter into a building or residence without permission when evading law enforcement.

Budget Issues

- **Auto Burglary & Theft Prevention Authority –**
 - Dallas PD has routinely received this annual grant to assist funding of our auto theft task force. Last year we received over \$607,000 which is the lowest amount in several years.
 - The funding source is a \$1.00 fee to auto insurance premiums. The fee is sent to the State, but placed into the general fund. This session the State will use the \$1.00 fee for other purposes.
 - HB1541, which was sent to the Governor, includes an amendment to collect an additional \$1.00 for a total of \$2.00, and for 50% (\$1.00) of the collected fees be appropriated only for the cause of the grant.
- **Law Enforcement Officer Standards & Education (LEOSE) Funds –**
 - The State normally appropriates \$12 million each biennium to be distributed to every law enforcement agency based on the number of officers.
 - Last year, the Dallas Police Department received \$233,000. This money is used for training seminars, conferences, and specialized schools along with related cost of travel and lodging.
 - The LEOSE funds were not appropriated in the budget.

The Police Department worked with Intergovernmental Services throughout the legislative session to achieve the provided results and address the criminal justice related issues that developed during the past session.



A.C. Gonzalez
First Assistant City Manager

CC: Honorable Mayor and Members of the Dallas City Council
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Craig D. Kinton, City Auditor
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Ryan S. Evans, Assistant City Manager
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