

By: Wu

H.B. No. 2405

A BILL TO BE ENTITLED

AN ACT

relating to county reports regarding the implementation of cite and release provisions by local law enforcement agencies.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 511, Government Code, is amended by adding Section 511.019 to read as follows:

Sec. 511.019. REPORT REGARDING USE OF CITE AND RELEASE. (a) Not later than March 1 of each year, each county shall report to the commission regarding the extent to which during the preceding calendar year the law enforcement agencies in the county issued citations for Class A or B misdemeanor offenses instead of arresting the offender, as permitted by Article 14.06(c), Code of Criminal Procedure.

(b) The report must include:

(1) if the policies of the law enforcement agencies in the county authorize peace officers to issue citations for Class A or B misdemeanor offenses instead of arresting the offender, as permitted by Article 14.06(c), Code of Criminal Procedure, an estimate of the amount of savings to the agencies and the county as a result of decreased detention costs; or

(2) if one or more law enforcement agencies in the county have not adopted a policy described by Subdivision (1):

(A) a summary of the reasons the policy has not been adopted, including what obstacles the applicable agency

1 believes would hinder the implementation of the policy if adopted;
2 and

3 (B) a statement acknowledging that the agency has
4 been made aware of potential cost savings associated with adopting
5 such a policy.

6 (c) Not later than June 1 of each year, the commission shall
7 summarize the information contained in the reports submitted under
8 Subsection (a). The summary must, for the preceding calendar year:

9 (1) identify the counties that issued citations as
10 described by Subsection (a);

11 (2) identify the counties that did not issue citations
12 as described by Subsection (a), including the reasons the counties
13 failed to exercise their statutory cite and release authority;

14 (3) identify the counties that failed to comply with
15 the annual reporting requirement under this section;

16 (4) estimate the amount of savings realized by law
17 enforcement agencies and counties that have already implemented a
18 policy authorizing the issuance of citations as described by
19 Subsection (a); and

20 (5) estimate the amount of savings that could be
21 realized by a law enforcement agency or county that implements a
22 policy authorizing the issuance of citations as described by
23 Subsection (a).

24 (d) The commission shall:

25 (1) provide a copy of the summary prepared under
26 Subsection (c) to:

27 (A) the governor;

1 (B) the lieutenant governor;
2 (C) the speaker of the house of representatives;
3 and
4 (D) each standing committee of the senate and
5 house of representatives having primary jurisdiction over matters
6 relating to criminal justice; and
7 (2) make the summary prepared under Subsection (c)
8 available to the public.

9 SECTION 2. This Act takes effect September 1, 2013.