

## CHAPTER 219

## S.B. No. 245

An Act relating to the authority of counties to provide law enforcement services on a fee basis, to duties of deputies, and to municipal liability; adding Article 1581b-2 to Title 33, Revised Statutes.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Title 33, Revised Statutes, is amended by adding Article 1581b-2 to read as follows:

**“Article 1581b-2. CONTRACTS FOR LAW ENFORCEMENT SERVICES ON A FEE BASIS**

**“Section 1.** *To protect the public interest, the commissioners court of a county may contract with a nongovernmental association for the provision of law enforcement services by the county on a fee basis in the geographical area represented by the association.*

**“Section 2. (a)** *The commissioners court shall determine the amount of the fee based on the total cost of the services including salaries and any additional expenses the county may incur in providing the services.*

**“(b)** *The contract must provide for the payment of the fees to the county. The fees shall be deposited in the general fund of the county.*

**“(c)** *The fees charged by the county shall recover 100 percent of the cost to the county for supplying the law enforcement services. However, in the event the sheriff's or county official's time is prorated between services to the political subdivision and a nongovernmental association, the total cost to the association shall be so prorated, as provided in the contract.*

**“Section 3. (a)** *The commissioners court may request the sheriff of the county or a county official who has law enforcement authority to provide the services in the geographical area for which the official was elected or appointed.*

**“(b)** *If the sheriff or county official agrees to provide the services, the sheriff or official may provide the services by using deputies. The sheriff or county official retains authority to supervise the deputies who provide the services and, in an emergency, may reassign the deputies to duties other than those to be performed under the contract.*

**“(c)** *A deputy shall perform duties under the contract in the same manner as if the deputy were performing the duties in the absence of the contract.*

*“(d) A deputy performing duties under the contract remains a county employee subject to the same benefits and restrictions as any other deputy.*

*“(e) A deputy performing duties under the contract shall submit written copies of any felony offense report and subsequent copies of investigative reports to the sheriff and any municipal police department in the county that serves the area under contract.*

*“(f) A deputy performing duties in an area served by a municipal police department shall promptly notify the police department of his receipt and response to a complaint constituting a felony offense and upon request shall secure and preserve the scene of such offense for a reasonable time until the arrival of a representative of the municipal police department. The county and municipal departments shall cooperate in any criminal investigation to the greatest degree which is practical. However, nothing in this subsection shall be construed to prohibit a county or municipal officer from performing any duties which are required of a peace officer.*

*“(g) If, under a proposed contract, the county would provide law enforcement services within the corporate limits of a city, the county shall submit a copy of the proposed contract to the city for approval. The governing body of the city, after considering the individual contract, may disapprove the contract not later than the 30th day after the date the contract is received in the city offices. If the governing body of the city approves the contract or takes no action for the 30 days, the county may enter into the contract as provided in this article. The city and its officers and employees are not liable for any damage caused by the acts of a county official or employee providing services under the contract within the city. If the governing body of the city disapproves the contract, the county may not enter into the contract.”*

**SECTION 2.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on February 13, 1985, by the following vote: Yeas 27, Nays 3; May 1, 1985, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 8, 1985, House granted request of the Senate; May 20, 1985, Senate adopted Conference Committee Report by the following vote: Yeas 30, Nays 1; passed the House, with amendments, on April 18, 1985, by the following vote: Yeas 132, Nays 3, one present not voting; May 8, 1985, House granted request of the Senate for appointment of Conference Committee; May 20, 1985, House adopted Conference Committee Report by the following vote: Yeas 128, Nays 7, three present not voting.

Filed: May 31, 1985, without signature.

Effective: Immediately