

THE STATE OF TEXAS

COUNTY OF COLLIN

Subject: Oppose Legislation, HB 2702 – Commissioners Court

On **May 8, 2017**, the Commissioners Court of Collin County, Texas, met in **regular session** with the following members present and participating, to wit:

**Keith Self
Susan Fletcher
Cheryl Williams
Chris Hill
Duncan Webb**

**County Judge, Presiding
Commissioner, Precinct 1
Commissioner, Precinct 2
Commissioner, Precinct 3
Commissioner, Precinct 4**

During such session the court considered adoption of the following resolution opposing House Bill 2702, to be known as the Sandra Bland Act, regarding the interactions between law enforcement and individuals detained or arrested on suspicion of the commission of criminal offenses and the confinement or release of those individuals before prosecution.

WHEREAS, House Bill 2702 proposes amendments addressing the diversion of persons suffering from mental illness or intellectual disability from jail to other facilities, and, while revisions to state law may accomplish worthy goals, some of House Bill 2702's proposals need additional study and some would likely prove impractical or overly expensive, such as the addition of article 16.23 to the Code of Criminal Procedure, which would require a Sheriff's deputy to make a good-faith effort to divert a person to a proper treatment facility where the person is suspected of a non-violent misdemeanor and is suffering from a mental-health crisis or substance abuse, and would thus transform the deputy into a front-line mental-health worker instead of a law-enforcement officer; and

WHEREAS, the proposed bill would also amend the Human Resources Code by encouraging detention centers to communicate with the Health & Human Services Commission and the United States Social Security Commission whenever persons receiving medical-assistance benefits are taken into and released from custody, in order to reduce their arrest's or detention's interfering with their eligibility for benefits, although setting up the means for complying with this request may be impracticable and expensive; and

WHEREAS, HB 2702 proposes new unfunded mandates in the form of substantial additional training requirements for peace officers and detention officers while shortening the time for them to receive such training; and

WHEREAS, HB 2702 would significantly and unjustifiably change long-standing law enforcement practices, such as its proposed overreaching ban of consent-only searches of persons and property, which are critical to criminal interdiction efforts combating drug smuggling along Texas highways; and

WHEREAS, the proposed bill would also bar a deputy from stopping a vehicle for an alleged traffic violation as a pretext for investigating a violation of another penal law, even though the U.S. Supreme Court has upheld such stops as long as there is an objective traffic violation justifying the stop, regardless of the deputy's subjective intent; and

WHEREAS, HB 2702 would amend article 2.138 of the Code of Criminal Procedure and substantially alter the procedures for roadside searches of vehicles, including introducing new and unprecedented standards for an officer to proceed with additional search procedures;

NOW, THEREFORE, BE IT RESOLVED THAT the Collin County Commissioners Court opposes final adoption of proposed House Bill 2702;

PASSED AND APPROVED this 8th day of May, 2017.

Keith Self, County Judge

Susan Fletcher, Commissioner, Pct. 1

Cheryl Williams, Commissioner, Pct. 2

Chris Hill, Commissioner, Pct. 3

Duncan Webb, Commissioner, Pct. 4

ATTEST:

**Stacey Kemp, Ex-Officio Clerk
Commissioners' Court
Collin County, T E X A S**