

AN ORDINANCE AMENDING CHAPTER 22 OF THE CODE OF ORDINANCES OF THE CITY OF KILLEEN; PROVIDING FOR AMENDMENTS TO THE CITY'S POLICING STANDARDS; PROVIDING FOR THE REPEAL OF CONFLICTING PROVISIONS; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Killeen, Texas is a home-rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code;

WHEREAS, the City of Killeen has declared that the limitations on certain search warrant executions to be necessary for the promotion of the public safety and the general welfare of the City; and,

WHEREAS, the City Council desires to establish regulations that will help ensure that future search warrant executions are safe and orderly; and

WHEREAS, the City Council desires to amend the police regulations to promote the health, safety, morals, and the general welfare of the municipality and the safe, orderly, and healthful development of the municipality;

NOW, THEREFORE IT BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF KILLEEN, TEXAS:

SECTION I. That Article II of Chapter 22 of the City of Killeen of Code of Ordinance is hereby amended as follows:

Sec. 22-26. Duties of chief generally.

The chief of police of the city shall appoint one (1) or more police officers, and shall either in person or by appointed police officers attend upon the municipal court while such court is in session, and shall promptly and faithfully execute and return any process issued from such court. He shall have like power with the sheriff of the county to execute the writ of search warrants, except as provided in Article IV of this chapter. He shall be active in quelling riots, disorder and disturbances of the peace within the city, and shall have authority to take suitable and sufficient bail for the appearances before the municipal court of any person charged with an offense against the ordinances or laws of the city. It shall be his duty to arrest, without warrant, all violators of the public peace, and all who contract or interfere with him in the execution of the duties of his office, or who shall be guilty of any disorderly conduct or disturbances whatever. To prevent a breach of the peace, or to preserve quiet and good order, he shall have authority to close any theater, ballroom, barroom or any other place or building of public resort, and in the prevention and suppression of crime and in the arrest of offenders he shall have possession and execute like power, authority and jurisdiction as the sheriff of the county, under the laws of the state. He shall

receive a salary or fees of office, or both, to be fixed by the city council. The chief of police shall give bond for faithful performance of his duties as the city council may require, and he shall perform such duties and possess such other powers, rights and duties as the city council may by ordinance require and confer not inconsistent with the constitution and laws of the state.

(Code 1963, Ch. 1, art. 6, § 1)

That Article IV of Chapter 22 of the City of Killeen of Code of Ordinance is hereby amended as follows:

ARTICLE IV. SEARCH WARRANT LIMITATIONS

Sec. 22-60. Purpose.

The purpose of this article is to limit the type of search warrants that can be executed by peace officers employed by the City of Killeen within the Killeen city limits.

Sec. 22-61. Search Warrant Exception.

No peace officer employed by the City of Killeen, including the Chief of Police as provided in section 22-26, may request, execute or participate in the execution of any search warrant that does not require the officer to knock and announce his or her presence prior to execution.

Sec. 22-62. Violations

Unless stated otherwise, any violation of this article may subject a peace officer to discipline as provided by the Texas Local Government Code, Chapter 143, or as provided in City policy.

SECTION II. That all ordinances or resolutions or parts of ordinances or resolutions in conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION III. That should any section or part of any section, paragraph or clause of this ordinance be declared invalid or unconstitutional for any reason, it shall not invalidate or

impair the validity, force or effect of any other section or sections or part of a section or paragraph of this ordinance.

SECTION IV. That the Code of Ordinances of the City of Killeen, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION V. That this ordinance shall be effective after its passage and publication according to law.

PASSED AND APPROVED at a regular meeting of the City Council of the City of Killeen, Texas, this ____ day of ____, 2021, at which meeting a quorum was present, held in accordance with the provisions of V.T.C.A., Government Code, §551.001 *et seq.*

APPROVED

Jose L. Segarra, MAYOR

ATTEST:

APPROVED AS TO FORM:

Lucy C. Aldrich, CITY SECRETARY

Traci S. Briggs, CITY ATTORNEY