

Bond Case Briefs

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GOVERNMENTAL UNITS - TEXAS

University of the Incarnate Word v. Redus

Supreme Court of Texas - May 12, 2017 - S.W.3d - 2017 WL 1968030 - 60 Tex. Sup. Ct. J. 908

Parents of deceased student brought action against private university and university's peace officer arising out of the officer's use of deadly force following a traffic stop.

University filed a plea to the jurisdiction. The District Court denied the plea. University appealed. The San Antonio Court of Appeals dismissed the appeal. University filed a petition for review, which was granted.

The Supreme Court of Texas held that the private university qualified as a "government unit" as to its policing function for purposes of provision of Tort Claims Act permitting interlocutory appeals from the grant or denial of a governmental unit's plea to the jurisdiction.

University derived its status and authority to commission and employ peace officers and operate a police department from laws passed by the legislature, university's officers had the same power, privileges, and immunities as other peace officers, and law enforcement was uniquely governmental.