

By: Goolsby

H.B. No. 78

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of a special police force or neighborhood police department.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.1211 to read as follows:

Art. 2.1211. SPECIAL POLICE FORCE OR NEIGHBORHOOD POLICE DEPARTMENT. (a) The director of the Department of Public Safety may appoint special or neighborhood peace officers who are employed by a private entity to aid law enforcement agencies in the protection of designated areas or neighborhoods, including the persons and property located in the area or neighborhood.

(b) Except as provided by Subsection (c), a special or neighborhood peace officer may make arrests and exercise all authority given peace officers under this code when necessary to prevent or abate the commission of an offense involving:

(1) injury to a resident or other person in the area or neighborhood; or

(2) damage to property in the area or neighborhood, including property in the possession of a resident or other person in the area or neighborhood.

(c) A special or neighborhood peace officer may not issue a traffic citation for a violation of Chapter 521, Transportation Code, or Subtitle C, Title 7, Transportation Code.

1 (d) A special or neighborhood peace officer is not entitled
2 to state benefits normally provided by the state to a peace officer.

3 (e) A person may not serve as a special or neighborhood
4 peace officer unless:

5 (1) the private entity that intends to employ the
6 person as a peace officer submits the person's application for
7 appointment and certification as a special or neighborhood peace
8 officer to the director of the Department of Public Safety and to
9 the executive director of the Commission on Law Enforcement Officer
10 Standards and Education;

11 (2) the director of the department issues the person a
12 certificate of authority to act as a special or neighborhood peace
13 officer;

14 (3) the executive director of the commission
15 determines that the person meets minimum standards required of
16 peace officers by the commission relating to competence,
17 reliability, education, training, morality, and physical and
18 mental health and issues the person a license as a special or
19 neighborhood peace officer; and

20 (4) the person has met all standards for certification
21 as a peace officer by the Commission on Law Enforcement Officer
22 Standards and Education.

23 (f) For good cause, the director of the department may
24 revoke a certificate of authority issued under this article and the
25 executive director of the commission may revoke a license issued
26 under this article. Termination of employment with the private
27 entity or the revocation of a special or neighborhood peace officer

1 license constitutes an automatic revocation of a certificate of
2 authority to act as a special or neighborhood peace officer.

3 (g) A private entity is liable for any act or omission by a
4 person serving as a special or neighborhood peace officer for the
5 entity that is within the person's scope of employment. Neither the
6 state nor any political subdivision or agency of the state is liable
7 for any act or omission by a person appointed as a special or
8 neighborhood peace officer. The private entity that employs the
9 peace officer shall pay all expenses incurred by the granting or
10 revocation of a certificate of authority to act as a special or
11 neighborhood peace officer.

12 (h) The director of the department and the executive
13 director of the commission may adopt rules necessary for the
14 effective administration and performance of the duties and
15 responsibilities delegated to them by this article.

16 SECTION 2. This Act takes effect March 1, 2004.