

BILL ANALYSIS

C.S.H.B. 875
By: Menendez
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Under current law, the Texas State Board of Dental Examiners does not have the authority to license its investigators as peace officers. This interferes with its ability to enforce the Dental Practices Act because an investigator who discovers a violation lacks the authority to take immediate action. As a result, reports of incidents must often be passed along to another law enforcement agency before corrective action may be taken. In addition to delaying enforcement, this situation requires the resources of other law enforcement agencies. C.S.H.B. 875 addresses this situation by allowing the Texas State Board of Dental Examiners to license its investigators as peace officers.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 875 amends Article 2.12, Code of Criminal Procedure, by adding officers commissioned by the State Board of Dental Examiners to the list of persons who are peace officers.

C.S.H.B. 875 amends Chapter 254 of the Occupations Code by adding Section 254.013, which allows the State Board of Dental Examiners to commission as a peace officer an employee who has been certified by the Commission on Law Enforcement Officer Standards and Education. This section provides that a peace officer commissioned under this subtitle, while performing the duties of a peace officer, has the powers, privileges, and immunities of a peace officer.

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 875 modifies the original bill by deleting language that would prohibit a peace officer licensed under this Act from carrying a firearm or making arrests. Under the substitute, a peace officer commissioned by the State Board of Dental Examiners would have all the powers, privileges, and immunities of a peace officer while carrying out his or her duties.