

## **BILL ANALYSIS**

C.S.S.B. 840  
By: Whitmire  
Law Enforcement  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Under current law, peace officers have the authority to make arrests outside of their jurisdiction without a warrant if the officer views a person committing an offense of disorderly conduct, breach of the peace, or public intoxication. C.S.S.B. 840 extends the authority of peace officers by enabling them to arrest persons who commit any intoxication and alcoholic beverage offense under Chapter 49 of the Penal Code.

### **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.S.B. 840 amends Article 14.03(d) of the Code of Criminal Procedure to allow a peace officer who is outside his jurisdiction to arrest, without warrant, a person who commits an offense under Chapter 49 of the Penal Code, relating to intoxication and alcoholic beverage offenses, within the officer's presence or view.

### **EFFECTIVE DATE**

This Act takes effect September 1, 2003.

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

C.S.S.B. 840 modifies the original by allowing a peace officer who is outside his jurisdiction to arrest, without warrant, a person who commits an offense under Chapter 49 of the Penal Code (Intoxication and Alcoholic Beverage Offenses) within the officer's presence or view. The substitute removes language from the original which allowed certain officers and investigators who are outside of their jurisdiction to arrest a person whom the officer views committing an offense under Subtitle C, Title 7, Transportation Code (Rules of the Road), only if the offense is in the county or counties in which the political subdivision employing the peace officer is located. The substitute also deletes language which allows rangers and commissioned officers of the Public Safety Commission and the Department of Public Safety to arrest a person anywhere in this state who commits an offense within the officer's presence or view, including traffic violations.