

BILL ANALYSIS

Senate Research Center
78R5594 GWK-F

S.B. 840
By: Whitmire
Criminal Justice
3/17/2003
As Filed

DIGEST AND PURPOSE

Currently, peace officers have the authority to arrest outside of their jurisdiction but municipal and county officers are expressly prohibited from making arrests outside their jurisdictions for traffic violations. The public does not always know jurisdictional boundaries exist and would expect a peace officer to take action when any crime is committed. As proposed, S.B. 840 clarifies that municipal and county officers have authority to arrest a person anywhere in the state for any offense other than traffic offenses and anywhere in the county where they serve for any offense, including a traffic offense.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Article 14.03(g), Code of Criminal Procedure, as follows:

- (g)(1) Authorizes a peace officer listed in Article 2.12(4), Code of Criminal Procedure, to arrest a person who anywhere in this state commits an offense within the officer's presence or view, including an offense under Title 7C, Transportation Code.

- (2) Authorizes a peace officer listed in Article 2.12 (1), (2), (3), or (5), Code of Criminal Procedure (Who are Peace Officers), who is licensed under Chapter 1701, Occupations Code (Law Enforcement Officers), rather than Chapter 415, Government Code, and is outside of the officer's jurisdiction to arrest without a warrant a person who anywhere in this state commits an offense within the officer's presence or view, except that an officer described by this subdivision who is outside the officer's jurisdiction is authorized to arrest a person for a violation of Title 7C, Transportation Code, only if the offense is committed in the county in which the peace officer serves as an elected official or in which the law enforcement agency employing the peace officer is located. Deletes existing text related to Article 2.12(4), Code of Criminal Procedure (regarding rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety).

- (3) Requires a peace officer making an arrest under this subsection to as soon as practicable after making the arrest notify a law enforcement agency having jurisdiction where the arrest was made. Requires the law enforcement agency to then take custody of the person committing the offense and take the person before the magistrate in compliance with Article 14.06.

SECTION 2. Effective date: September 1, 2003.