

By: Capelo

H.B. No. 1104

A BILL TO BE ENTITLED

AN ACT

relating to peace officers commissioned and employed to perform duties at correctional facilities.

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

SECTION 1. Chapter 361, Local Government Code, is amended by adding Subchapter H to read as follows:

SUBCHAPTER H. CORRECTIONAL PEACE OFFICERS

Sec. 361.121. CORRECTIONAL PEACE OFFICERS. (a) A sheriff or the head of a municipal law enforcement agency may commission and employ correctional peace officers to make arrests, prevent or abate the commission of offenses, and perform other assigned duties at correctional facilities operated by the county or municipality, as appropriate.

(b) A peace officer commissioned under this section must maintain a peace officer license issued under Chapter 1701, Occupations Code.

SECTION 2. Article 2.12, Code of Criminal Procedure, as amended by Chapters 272, 442, 669, and 1420, Acts of the 77th Legislature, Regular Session, 2001, is amended to read as follows:

Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace officers:

(1) sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license issued under Chapter 1701, Occupations Code;

1 (2) constables, deputy constables, and those reserve
2 deputy constables who hold a permanent peace officer license issued
3 under Chapter 1701, Occupations Code;

4 (3) marshals or police officers of an incorporated
5 city, town, or village, and those reserve municipal police officers
6 who hold a permanent peace officer license issued under Chapter
7 1701, Occupations Code;

8 (4) rangers and officers commissioned by the Public
9 Safety Commission and the Director of the Department of Public
10 Safety;

11 (5) investigators of the district attorneys', criminal
12 district attorneys', and county attorneys' offices;

13 (6) law enforcement agents of the Texas Alcoholic
14 Beverage Commission;

15 (7) each member of an arson investigating unit
16 commissioned by a city, a county, or the state;

17 (8) officers commissioned under Section 37.081,
18 Education Code, or Subchapter E, Chapter 51, Education Code;

19 (9) officers commissioned by the General Services
20 Commission;

21 (10) law enforcement officers commissioned by the
22 Parks and Wildlife Commission;

23 (11) airport police officers commissioned by a city
24 with a population of more than 1.18 million that operates an airport
25 that serves commercial air carriers;

26 (12) airport security personnel commissioned as peace
27 officers by the governing body of any political subdivision of this

1 state, other than a city described by Subdivision (11), that
2 operates an airport that serves commercial air carriers;

3 (13) municipal park and recreational patrolmen and
4 security officers;

5 (14) security officers and investigators commissioned
6 as peace officers by the comptroller;

7 (15) officers commissioned by a water control and
8 improvement district under Section 49.216, Water Code;

9 (16) officers commissioned by a board of trustees
10 under Chapter 54, Transportation Code;

11 (17) investigators commissioned by the Texas State
12 Board of Medical Examiners;

13 (18) officers commissioned by the board of managers of
14 the Dallas County Hospital District, the Tarrant County Hospital
15 District, or the Bexar County Hospital District under Section
16 281.057, Health and Safety Code;

17 (19) county park rangers commissioned under
18 Subchapter E, Chapter 351, Local Government Code;

19 (20) investigators employed by the Texas Racing
20 Commission;

21 (21) officers commissioned under Chapter 554,
22 Occupations Code;

23 (22) officers commissioned by the governing body of a
24 metropolitan rapid transit authority under Section 451.108,
25 Transportation Code, or by a regional transportation authority
26 under Section 452.110, Transportation Code;

27 (23) investigators commissioned by the attorney

1 general under Section 402.009, Government Code;

2 (24) security officers and investigators commissioned
3 as peace officers under Chapter 466, Government Code;

4 (25) an officer employed by the Texas Department of
5 Health under Section 431.2471, Health and Safety Code;

6 (26) officers appointed by an appellate court under
7 Subchapter F, Chapter 53, Government Code;

8 (27) officers commissioned by the state fire marshal
9 under Chapter 417, Government Code;

10 (28) an investigator commissioned by the commissioner
11 of insurance under Article 1.10D, Insurance Code;

12 (29) apprehension specialists commissioned by the
13 Texas Youth Commission as officers under Section 61.0931, Human
14 Resources Code;

15 (30) officers appointed by the executive director of
16 the Texas Department of Criminal Justice under Section 493.019,
17 Government Code;

18 (31) investigators commissioned by the Commission on
19 Law Enforcement Officer Standards and Education under Section
20 1701.160, Occupations Code;

21 (32) commission investigators commissioned by the
22 Texas Commission on Private Security under Section 1702.061(f),
23 Occupations Code; ~~and~~

24 (33) the fire marshal, and any investigators
25 commissioned by an emergency services district to assist that fire
26 marshal, under Subchapter F, Chapter 775, Health and Safety Code;

27 and

1 (34) correctional peace officers commissioned by a
2 sheriff or the head of a municipal law enforcement agency under
3 Section 361.121, Local Government Code.

4 SECTION 3. This Act takes effect September 1, 2003.