

By: Stick

H.B. No. 1682

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain peace officers during an emergency.

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

SECTION 1. Chapter 2, Code of Criminal Procedure, is amended by adding Article 2.129 to read as follows:

Art. 2.129. PEACE OFFICERS ASSISTING OTHER LAW ENFORCEMENT AGENCIES. (a) Except as provided by Subsection (b), in an emergency a peace officer may, on request of the head of a law enforcement agency of which the peace officer is not a member, assist the requesting agency by performing any task and assuming any duty that a peace officer who is a member of the requesting agency could lawfully perform or assume.

(b) Unless an assisting peace officer reasonably believes that death, serious bodily injury, or significant property damage will occur without the assisting peace officer's immediate action, the assisting peace officer may not, except as otherwise authorized by law:

(1) search an individual's body or belongings;

(2) seize an object found on or near an individual's body; or

(3) arrest an individual.

(c) An assisting peace officer who detains an individual shall, as soon as practicable after detaining the individual,

1 notify the requesting agency of the detention. The requesting  
2 agency shall then take custody of the detained individual.

3 (d) For purposes of this article, "emergency" means any  
4 situation or condition:

5 (1) declared to be an emergency by local, state, or  
6 federal officials; or

7 (2) in which the requesting law enforcement agency  
8 reasonably believes that:

9 (A) an individual is in imminent danger of  
10 serious bodily injury or death; or

11 (B) property is in imminent danger of significant  
12 damage or destruction.

13 SECTION 2. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2003.