

By: Armbrister

S.B. No. 1278

A BILL TO BE ENTITLED

AN ACT

relating to security officers for electric cooperatives.

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

SECTION 1. Subchapter B, Chapter 161, Utilities Code, is amended by adding Section 161.0765 to read as follows:

Sec. 161.0765. SECURITY OFFICERS. (a) The board of an electric cooperative that owns and operates a generating facility may employ and commission security personnel to enforce the law of this state within the jurisdiction designated by Subsection (c).

(b) An officer commissioned under this section may make arrests and has all the powers, privileges, and immunities of a peace officer while performing the officer's assigned duties within the jurisdiction designated by Subsection (c). An officer assigned to duty and commissioned shall take and file the oath required of peace officers and shall execute and file a good and sufficient bond in the sum of \$1,000, payable to the governor, with two or more good and sufficient sureties, conditioned that the officer will fairly, impartially, and faithfully perform the duties required of the officer by law. The bond may be sued on from time to time in the name of the person injured until the whole amount is recovered.

(c) The jurisdiction of an officer commissioned under this section is limited to:

(1) property owned, leased, managed, or controlled by the electric cooperative, including an electric generation

1 facility, a substation, and land surrounding a power line; and

2 (2) a perimeter area that extends not farther than one
3 mile from property owned, leased, managed, or controlled by the
4 electric cooperative, including public streets or alleys.

5 (d) An officer commissioned by an electric cooperative
6 under this section is not entitled to compensation or benefits
7 provided by this state or a political subdivision of this state.

8 (e) The state or a political subdivision of this state is
9 not liable for an act or omission of an officer commissioned under
10 this section during the performance of the officer's assigned
11 duties.

12 (f) An electric cooperative may not commission a person
13 under this section unless the person obtains a peace officer
14 license issued by the Commission on Law Enforcement Officer
15 Standards and Education. The electric cooperative shall pay to the
16 Commission on Law Enforcement Officer Standards and Education on
17 behalf of an employee any fees that are necessary to obtain a
18 required license.

19 (g) A person's commission and any authority to act as an
20 officer under this section are automatically revoked if the
21 person's employment with an electric cooperative is terminated for
22 any reason.

23 SECTION 2. Article 2.12, Code of Criminal Procedure, is
24 amended to read as follows:

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

27 (1) sheriffs, their deputies, and those reserve

1 deputies who hold a permanent peace officer license issued under
2 Chapter 1701, Occupations Code;

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

6 (3) marshals or police officers of an incorporated
7 city, town, or village, and those reserve municipal police officers
8 who hold a permanent peace officer license issued under Chapter
9 1701, Occupations Code;

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

13 (5) investigators of the district attorneys', criminal
14 district attorneys', and county attorneys' offices;

15 (6) law enforcement agents of the Texas Alcoholic
16 Beverage Commission;

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

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

21 (9) officers commissioned by the General Services
22 Commission;

23 (10) law enforcement officers commissioned by the
24 Parks and Wildlife Commission;

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

1 (12) airport security personnel commissioned as peace
2 officers by the governing body of any political subdivision of this
3 state, other than a city described by Subdivision (11), that
4 operates an airport that serves commercial air carriers;

5 (13) municipal park and recreational patrolmen and
6 security officers;

7 (14) security officers and investigators commissioned
8 as peace officers by the comptroller;

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

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

13 (17) investigators commissioned by the Texas State
14 Board of Medical Examiners;

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

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

21 (20) investigators employed by the Texas Racing
22 Commission;

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

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

1 under Section 452.110, Transportation Code;

2 (23) investigators commissioned by the attorney
3 general under Section 402.009, Government Code;

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

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

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

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

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

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

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

20 (31) investigators commissioned by the Commission on
21 Law Enforcement Officer Standards and Education under Section
22 1701.160, Occupations Code;

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

26 (33) the fire marshal, and any investigators
27 commissioned by an emergency services district to assist that fire

1 marshal, under Subchapter F, Chapter 775, Health and Safety Code;
2 and
3 (34) officers commissioned under Section 161.0765,
4 Utilities Code.

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

COMMITTEE AMENDMENT NO. 1

Amend S.B. No. 1278 as follows:

(1) On page 1, line 24, strike "including" and replace with "limited to"

(2) On page 2, line 1, after "facility," and before "a substation," insert "a switching station, a communications repeater site, and"

(3) On page 2, line 1, strike "and land surrounding a power line"

(4) On page 2, line 4, strike "including public streets or alleys."

(5) On page 2, line 4, after "cooperative," insert "limited to an electric generation facility, a switching station, a communications site, and a substation."

Crabb