

## **BILL ANALYSIS**

Senate Research Center

H.B. 340  
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Natural Resources  
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Engrossed

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

Since September 11, 2001, the security of ports in the State of Texas has been studied by many state agencies and committees. During the interim of the 78th Legislature, the House Subcommittee on Port Security recommended that port authorities be given the power to appoint reserve police officers.

Currently, only municipalities, counties, the Dallas and Fort Worth police departments, and the Sabine River Authority are authorized to have reserve peace officers. Reserve peace officers must hold a peace officer license issued by the Texas Commission on Law Enforcement Officer Standards and Education. These officers are generally required to work at least eight to 16 hours a month to be in good standing as a reserve officer.

H.B. 340 grants port authority police departments the authority to obtain the benefits of reserve peace officers.

### **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 Subchapter D, Chapter 60, Water Code, by adding Section 60.0775, as follows:

Sec. 60.0775. POLICE RESERVE FORCE. (a) Authorizes the navigation and canal commission (commission) of a navigation district that has established a police force to establish a volunteer police reserve force.

(b) Requires the commission to establish qualifications and training standards for reserve force members.

(c) Authorizes the commission to limit the size of the reserve force.

(d) Requires the chief of the district police force to appoint volunteers to serve as reserve force members. Provides that members are not district employees and serve without pay and at the chief's discretion.

(e) Authorizes the chief of police to call the reserve force into service at any time the chief considers it necessary to have additional officers to preserve the peace and enforce the law.

(f) Authorizes a reserve force member who is not a peace officer as described by Article 2.12 (Who Are Peace Officers), Code of Criminal Procedure, to act as a peace officer only during the discharge of official duties.

(g) Requires the commission to approve an appointment to the reserve force before the person appointed is authorized to carry a weapon or otherwise act as a peace officer. Authorizes the person appointed, on approval of the appointment of a person who is not a peace officer as described by Article 2.12, Code of

Criminal Procedure, to carry a weapon only when authorized to do so by the chief of police and only when discharging official duties as a peace officer. Authorizes the chief of police, on approval of the appointment of a person who is a peace officer as described by Article 2.12, Code of Criminal Procedure, to take certain actions regarding the person's ability to carry a weapon.

(h) Authorizes reserve police officers to act only to supplement the district's regular police force and prohibits reserve police officers from assuming the full-time duties of regular police officers without complying with the requirements for regular police officers.

(i) Provides that certain provisions apply to a reserve police officer, regardless of whether the reserve police officer is a peace officer as described by Article 2.12, Code of Criminal Procedure.

SECTION 2. Amends Section 1701.001(6), Occupations Code, to redefine "reserve law enforcement officer."

SECTION 3. Amends Article 2.122, Code of Criminal Procedure, by amending Subsection (a) and adding Subsection (g), as follows:

(a) Sets forth and amends named criminal investigators of the United States that are prohibited from being deemed peace officers, but are required to have the powers of arrest, search and seizure as to felony offenses only under the laws of the State of Texas.

(g) Provides that, notwithstanding Subsection (a), a Special Agent of the Secret Service actively providing protection to or investigating a threat against a person as authorized under 18 U.S.C. Section 3056(a) is not a peace officer under the laws of this state, except that the agent has the powers of arrest, search, and seizure as to any offense under the laws of this state.

SECTION 4. Effective date: upon passage or September 1, 2005.