

BILL ANALYSIS

Senate Research Center
79R8664 UM-F

H.B. 915
By: Woolley (Whitmire)
Criminal Justice
5/16/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, whether a municipal police officer has county-wide jurisdiction is not specified in statute for Class C offenses. A large body of case law has held that a municipal officer's jurisdiction is county-wide and no statute specifically limits jurisdiction to less than county-wide. Legislative history and former statutory provisions support a finding that a municipal officer's jurisdiction is county-wide.

H.B. 915 clarifies that a municipal officer's jurisdiction is county-wide under certain circumstances.

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) Creates this subdivision from existing text. Authorizes a peace officer listed in Subdivision (1), (2), or (5), Article 2.12, rather than under Subdivisions (1), (2), (3), (4), or (5), who is licensed under Chapter 1701, Occupations Code, rather than licensed under Chapter 415, Government Code, to arrest without warrant a person who commits any offense within the officer's presence or view other than a violation of Subtitle C (Rules of the Road), Title 7, Transportation Code. Deletes existing text authorizing an officer who is outside the officer's jurisdiction to arrest a person for a violation of Subtitle C, Title 7, Transportation Code, only if the officer is listed in Subdivision (4), Article 2.12.

(2) Authorizes certain peace officers licensed under Chapter 1701, Occupations Code, outside the officer's jurisdiction, to arrest without warrant a person who commits any offense within the officer's presence or view. Authorizes the officer described in this subdivision outside the officer's jurisdiction to arrest a person for a violation of Subtitle C, Title 7, Transportation Code, only if the offense is committed in the county or counties in which the municipality employing the peace officer is located.

(3) Creates this subdivision from existing text. Requires the law enforcement agency that has jurisdiction where the arrest is made to take custody of any property seized during or after the arrest under this subsection as if the property had been seized by a peace officer of that law enforcement agency.

SECTION 2. Effective date: September 1, 2005.