

BILL ANALYSIS

H.B. 1695
By: Hegar
Law Enforcement
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The Texas and Southwestern Cattle Raisers Association (TSCRA) was founded in 1877 to combat the rise of cattle theft. Since that time, the TSCRA has employed field inspectors whose primary responsibility is to investigate livestock theft and other ranch-related property losses. In 1893, the field inspectors became special rangers and commissioned peace officers, licensed by the Texas Department of Public Safety.

Special rangers are governed by §411.023 of the Government Code, which states that a special ranger may not enforce a law except one designed to protect life and property. Department rule has subsequently refined this statute, resulting in prohibiting special rangers from enforcing any law, except when necessary to protect the personal property of a special ranger.

House Bill 1695 reinstates the original authority exercised by TSCRA field inspectors to conduct investigations into the theft of cattle and other ranch related property or livestock as requested by members, other law enforcement agencies or the public.

RULEMAKING AUTHORITY

It is the committee's opinion that rulemaking authority is expressly granted to the director of the Department of Public Safety and the executive director of the Commission on Law Enforcement Officer Standards and Education in SECTION 1 of this bill.

ANALYSIS

House Bill 1695 amends Chapter 2 of the Code of Criminal Procedure by adding Article 2.125, SPECIAL RANGERS OF TEXAS AND SOUTHWESTERN CATTLE RAISERS ASSOCIATION. The bill gives the director of the Department of Public Safety (the department) the authority to appoint up to 50 special rangers who are employees of the Texas and Southwestern Cattle Raisers Association (TSCRA).

The bill gives special rangers all the authority given peace officers, including the power to arrest, when necessary to prevent or abate the commission of an offense involving livestock or related property. The bill prohibits a special ranger from issuing traffic citations for violation of Chapter 521 of the Transportation Code, regarding license requirements, or Subtitle C, Title 7 of the Transportation Code (Ch. 541 et. seq.), regarding rules of the road. The bill provides that a special ranger is not entitled to state benefits normally provided to a peace officer.

The bill provides that a person may not serve as a special ranger unless TSCRA submits the person's name for appointment to the director of the department and to the executive director of the Commission on Law Enforcement Officer Standards and Education (the commission). The bill requires the director of the department to issue the person a certificate of authority and the executive director of the commission to determine if the person submitted to be a ranger meets all standards required for certification as a peace officer.

The bill authorizes the director of the department to revoke a certificate of authority and the executive director of the commission to revoke a license. The bill provides that termination of employment with the association or revocation of a special ranger license will constitute an automatic revocation of a certificate of authority to act as a special ranger.

The bill establishes the TSCRA's liability for its special rangers and that neither the state nor any political subdivision shall be liable for any act or omission by a person appointed as a special ranger. The bill requires TSCRA to pay all expenses incurred by the granting or revocation of certificate for a special ranger.

The bill provides rulemaking authority for the implementation of this article to the director of the department and the executive director of the commission.

EFFECTIVE DATE

September 1, 2005