

BILL ANALYSIS

Senate Research Center
79R1157 KSD-D

S.B. 881
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Criminal Justice
4/17/2005
As Filed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Current Texas law authorizes the Texas Department of Public Safety (DPS) to commission retired DPS officers as special rangers. A retired DPS officer or other law enforcement officer qualifies to become a special ranger by being honorably discharged or selected to complete an allotted group of 300 members. They are prohibited from enforcing a law, except one designated to protect life and their own property.

Although the statute states some basic parameters of the special rangers' authority, it leaves many questions about the extent of their authority and how it can be utilized. This gap may be confusing to the public since a special ranger might easily be confused for a law enforcement officer because of the badge and firearm. DPS does not provide information about special rangers or steps for filing a complaint against a special ranger who abuses his or her power.

As proposed, S.B. 881 places safeguards to ensure that special rangers do not abuse their power by articulating the limitations on special ranger authority more clearly and by establishing further criteria for receiving a commission. It also requires that special rangers cease to wear badges and instead carry an identification card acknowledging their commission. S.B. 881 requires DPS to inform the public about the special rangers in literature and on the DPS website, and provide a procedure for filing a complaint against special rangers.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Public Safety Commission in SECTION 1 (Section 411.023, Government Code) and SECTION 2 (Section 411.024, Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 411.023, Government Code, by amending Subsections (a), (b), (e), and (f) and adding Subsections (b-1), (g), and (h), as follows:

(a) Authorizes the Public Safety Commission (commission) to appoint not more than 300 special rangers as honorably retired commissioned officers of the Department of Public Safety of the State of Texas (department) who received the department's commendation through its recognition and awards program for exceptionally meritorious service, heroism, or other extraordinary acts during their employment.

(b) Provides that a special ranger is subject to the orders of the commission and the governor for special duty to the same extent as law enforcement officers provided for by this chapter, except as follows. Authorizes a special ranger to only enforce a law designed to protect life and property, during a period in which a special ranger has specifically been called to special duty by the commission or the governor, and prohibits the special ranger from enforcing a law regulating the use of a state highway by a motor vehicle. Authorizes a special ranger to only enforce a law as provided by Subsection (b-1), during a period in which a special ranger has not been specifically called to duty by the commission or the governor, and prohibits the use of the Texas law enforcement telecommunications system to obtain criminal history information, driver's license information, or any other information available thorough the system. Prohibits a special ranger not connected with a ranger company or uniformed unit of the department from wearing a department uniform.

(b-1) Authorizes a special ranger, during a period in which a special ranger has not been specifically called to duty by the commission or the governor, to only enforce specific laws.

(e) Authorizes the public safety director (director) to revoke a special ranger commission at any time for cause, including a violation of this section. Sets forth the conditions by which a special ranger's commission is terminated.

(f) Requires the commission to authorize a special identification card, rather than a badge, for persons appointed as special rangers under this section. Requires the special identification card to include notice that the special ranger is not a peace officer and is authorized by the commission to exercise only those powers and perform only those duties prescribed by this section. Makes conforming change.

(g) Requires the department to include on its website and any literature published by the department relating to department officers, information regarding the qualifications, powers, and duties, prescribed by this section for a special ranger. Requires the department to include, on the website, procedures by which a member of the public can file a complaint regarding a special ranger. Provides that the procedures for a public complaint against a department employee prescribed by Section 411.0195 (Public Complaints) apply to a complaint against a special ranger.

(h) Requires a special ranger to annually obtain a handgun proficiency certificate or a weapons proficiency certificate and submit a copy of the certificate to the commission to carry a firearm as a special ranger. Requires the commission to adopt rules for the administration of this subsection.

SECTION 2. Amends Section 411.024, Government Code, by amending Subsections (a), (b), (e), and (f) and adding Subsections (b-1), (g), and (h), as follows:

(a) Authorizes the public safety commission (commission) to appoint as a special Texas Ranger an honorably retired commissioned officers of the Department of Public Safety of the State of Texas (department) who received the department's commendation through its recognition and awards program for exceptionally meritorious service, heroism, or other extraordinary acts and whose position immediately preceding retirement is an officer of the Texas Rangers.

(b) Provides that a special Texas Ranger is subject to the orders of the commission and the governor for special duty to the same extent as law enforcement officers provided for by this chapter, except as follows. Authorizes a special Texas Ranger to only enforce a law designed to protect life and property, during a period in which a special Texas ranger has specifically been called to special duty by the commission or the governor, and prohibits enforcing a law regulating the use of a state highway by a motor vehicle. Authorizes a special Texas Ranger to only enforce a law as provided by Subsection (b-1), during a period in which a special Texas Ranger has not been specifically called to duty by the commission or the governor, and prohibits the use of the Texas law enforcement telecommunications system to obtain criminal history information, driver's license information, or any other information available thorough the system. Prohibits a special Texas ranger not connected with a ranger company or uniformed unit of the department from wearing a department uniform.

(b-1) Authorizes a special Texas Ranger, during a period in which a special Texas Ranger has not been specifically called to duty by the commission or the governor, to only enforce specific laws.

(e) Authorizes the public safety director (director) to revoke a special Texas Ranger commission at any time for cause, including a violation of this section. Sets forth the conditions by which a special Texas Ranger's commission is terminated.

(f) Requires the commission to authorize a special identification card, rather than a badge, for persons appointed as special Texas Rangers under this section. Requires the special identification card to include notice that the special Texas Ranger is not a peace officer and is authorized by the commission to exercise only those powers and perform only those duties prescribed by this section. Makes conforming change.

(g) Requires the department to include on its website and any literature published by the department relating to department officers, information regarding the qualifications, powers, and duties, prescribed by this section for a special Texas Ranger. Requires the department to include, on the website, procedures by which a member of the public can file a complaint regarding a special Texas Ranger. Provides that the procedures for a public complaint against a department employee prescribed by Section 411.0195 (Public Complaints) apply to a complaint against a special Texas Ranger.

(h) Requires a special Texas Ranger to annually obtain a handgun proficiency certificate or a weapons proficiency certificate and submit a copy of the certificate to the commission to carry a firearm as a special Texas Ranger. Requires the commission to adopt rules for the administration of this subsection.

SECTION 3. Reenacts and amends Article 2.12, Code of Criminal Procedure, as amended by Chapters 235, 474, and 930, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Art. 2.12 WHO ARE PEACE OFFICERS. Provides that rangers and officers commissioned by the Public Safety Commission and the Department of Public Safety, other than special rangers appointed under Section 411.023, Government Code, and special Texas Rangers appointed under Section 411.024, Government Code, are considered peace officers. Makes conforming changes.

SECTION 4. Amends Sections 46.15(a), Penal Code, to provide that Sections 46.02 and 46.03 do not apply to a special ranger or a special Texas ranger who holds a current handgun proficiency certificate or weapons proficiency certificate and is carrying the applicable special identification card.

SECTION 5. Amends Section 1701.356, Occupations Code, as follows:

Sec. 1701.356. CERTAIN OFFICERS: REACTIVATION AND CONTINUING EDUCATION NOT REQUIRED. Provides that this section applies to a retired state employee who holds a permanent license issued before January 1981 that was current on January 1, 1995. Deletes existing text pertaining to an honorably retired commissioned officer.

SECTION 6. Provides that a commission issued under Section 411.023 or 411.024, Government Code, before the effective date of this Act expires as provided by law on January 1, 2007. Makes application of this Act prospective.

SECTION 7. Provides that to the extent of any conflict, this Act prevails over another Act of the 79th Legislature, Regular Session, 2005, relating to nonsubstantive additions to and corrections in enacted codes.

SECTION 8. Effective date: September 1, 2005.