

## **BILL ANALYSIS**

Senate Research Center

S.B. 907  
By: Whitmire  
Criminal Justice  
7/27/2005  
Enrolled

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

S.B. 907 confirms authority for a peace officer listed in Subdivision (4), Article 2.12, Code of Criminal Procedure, which includes rangers and officers commissioned by the Public Safety Commission and the Director of Public Safety, to arrest a person who, anywhere in this state, commits an offense within the officer's presence or view, including an offense under Subtitle C, Title 7, Transportation Code.

A peace officer listed in Subdivision (1), which includes sheriffs, their deputies, and those reserve deputies who hold a permanent peace officer license, Subdivision (2), which includes constables, deputy constables, and those reserve deputy constables who hold a permanent peace officer license, Subdivision (3), which includes marshals or police officers of an incorporated city, town, or village, and those reserve municipal peace officers who hold a permanent peace officer license, or Subdivision (5), which includes investigators of the district attorney's, criminal district attorney's, and county attorney's offices, Article 2.12, Code of Criminal Procedure, who is licensed under Chapter 1701, Occupations Code, and is outside of the officer's jurisdiction, may arrest without a warrant a person who commits an offense within the officer's presence or view, except that an arrest for a violation of Subtitle C, Title 7, Transportation Code, may be made only if the offense is committed in the county in which the peace officer serves or is employed.

S.B. 907 also provides instructions on how to handle seizure of property by an officer making an arrest outside of that officer's jurisdiction, stating that such seized property shall be given into the custody of a law enforcement agency with jurisdiction in the county in which the property was seized as soon as practicable.

### **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) Authorizes certain peace officers who are outside of their jurisdiction to arrest without a warrant a person who commits an offense within the officer's presence or view, other than an offense under Subtitle C (Rules of the Road), Title 7, Transportation Code.

(2) Authorizes a peace officer listed in Subdivision (3), Article 2.12, Code of Criminal Procedure, who is licensed under Chapter 1701, Occupations Code, and is outside of the officer's jurisdiction to arrest without a warrant a person who anywhere in this state commits an offense within the officer's presence or view, except that an officer described by this subdivision who is outside the officer's jurisdiction may 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. Includes that the law enforcement agency is required to take custody of any property seized during or after the arrest

as if the property had been seized by a peace officer of that law enforcement agency.

SECTION 2. Effective date: September 1, 2005.