

BILL ANALYSIS

C.S.S.B. 907
By: Whitmire
Criminal Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

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. C.S.S.B. 907 seeks to clarify that a municipal officer's jurisdiction is county-wide under certain circumstances.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.S.B. 907 amends Article 14.03(g), Code of Criminal Procedure, to allow marshals and police officers listed under Art. 2.12(3), to arrest a person who commits any offense within the officer's presence or view, except that such an officer may arrest a person for a traffic offense under Subtitle C, Title 7, Transportation Code, only if the offense is committed in the county or counties in which the municipality employing the officer is located. Any property seized during the arrest is the property of the jurisdiction where the arrest was made.

EFFECTIVE DATE

September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The substitute differs from the original in that it allows an arrest for a traffic offense committed within the officer's presence or view only for marshals and police officers. Whereas, the original bill permitted the arrest for sheriffs, constables, marshals and police officers, and investigators for district attorneys, criminal district attorneys, and county attorneys. The substitute also no longer amends Art. 59.03, Code of Criminal Procedure, and addresses the chain of custody of property seized in the arrest within Art. 14.03.