

By: Seaman, Herrero

H.B. No. 340

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the authority of a navigation district to establish a  
3 volunteer police reserve force and to the state law enforcement  
4 authority of certain federal peace officers.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Subchapter D, Chapter 60, Water Code, is amended  
7 by adding Section 60.0775 to read as follows:

8 Sec. 60.0775. POLICE RESERVE FORCE. (a) The commission of  
9 a district that has established a police force may establish a  
10 volunteer police reserve force.

11 (b) The commission shall establish qualifications and  
12 training standards for reserve force members.

13 (c) The commission may limit the size of the reserve force.

14 (d) The chief of the district police force shall appoint  
15 volunteers to serve as reserve force members. Members are not  
16 district employees and serve without pay and at the chief's  
17 discretion.

18 (e) The chief of police may call the reserve force into  
19 service at any time the chief considers it necessary to have  
20 additional officers to preserve the peace and enforce the law.

21 (f) A reserve force member who is not a peace officer as  
22 described by Article 2.12, Code of Criminal Procedure, may act as a  
23 peace officer only during the discharge of official duties.

24 (g) The commission must approve an appointment to the

1 reserve force before the person appointed may carry a weapon or  
2 otherwise act as a peace officer. On approval of the appointment of  
3 a person who is not a peace officer as described by Article 2.12,  
4 Code of Criminal Procedure, the person appointed may carry a weapon  
5 only when authorized to do so by the chief of police and only when  
6 discharging official duties as a peace officer. On approval of the  
7 appointment of a person who is a peace officer as described by  
8 Article 2.12, Code of Criminal Procedure, the chief of police may:

9       (1) authorize the person appointed to carry a weapon  
10 or act as a peace officer at all times, regardless of whether the  
11 person is engaged in the discharge of official duties; or

12       (2) limit the person's authority to carry a weapon or  
13 act as a peace officer to only those times during which the person  
14 is engaged in the discharge of official duties.

15       (h) Reserve police officers may act only to supplement the  
16 district's regular police force and may not assume the full-time  
17 duties of regular police officers without complying with the  
18 requirements for regular police officers.

19       (i) A reserve police officer, regardless of whether the  
20 reserve police officer is a peace officer as described by Article  
21 2.12, Code of Criminal Procedure, is not:

22           (1) eligible for participation in:

23                   (A) a program provided by the commission that is  
24 normally considered a financial benefit of full-time employment; or

25                   (B) a pension fund created by statute for the  
26 benefit of full-time paid peace officers; or

27           (2) exempt from Chapter 1702, Occupations Code.

1 SECTION 2. Section 1701.001(6), Occupations Code, is  
2 amended to read as follows:

3 (6) "Reserve law enforcement officer" means a person  
4 designated as a reserve law enforcement officer under Section  
5 85.004, 86.012, or 341.012, Local Government Code, or Section  
6 60.0775, Water Code.

7 SECTION 3. Article 2.122, Code of Criminal Procedure, is  
8 amended by amending Subsection (a) and adding Subsection (g) to  
9 read as follows:

10 (a) The following named criminal investigators of the  
11 United States shall not be deemed peace officers, but shall have the  
12 powers of arrest, search and seizure as to felony offenses only  
13 under the laws of the State of Texas:

14 (1) Special Agents of the Federal Bureau of  
15 Investigation;

16 (2) Special Agents of the Secret Service, except as  
17 provided by Subsection (g);

18 (3) Special Agents of the United States Customs  
19 Service;

20 (4) Special Agents of Alcohol, Tobacco and Firearms;

21 (5) Special Agents of Federal Drug Enforcement Agency;

22 (6) Inspectors of the United States Postal Service;

23 (7) Special Agents of the Criminal Investigation  
24 Division and Inspectors of the Internal Security Division of the  
25 Internal Revenue Service;

26 (8) Civilian Special Agents of the United States Naval  
27 Investigative Service;

1           (9) Marshals and Deputy Marshals of the United States  
2 Marshals Service;

3           (10) Special Agents of the United States Immigration  
4 and Naturalization Service; and

5           (11) Special Agents of the United States Department of  
6 State, Bureau of Diplomatic Security.

7           (g) Notwithstanding Subsection (a), a Special Agent of the  
8 Secret Service actively providing protection to or investigating a  
9 threat against a person as authorized under 18 U.S.C. Section  
10 3056(a) is not a peace officer under the laws of this state, except  
11 that the agent has the powers of arrest, search, and seizure as to  
12 any offense under the laws of this state.

13           SECTION 4. This Act takes effect immediately if it receives  
14 a vote of two-thirds of all the members elected to each house, as  
15 provided by Section 39, Article III, Texas Constitution. If this  
16 Act does not receive the vote necessary for immediate effect, this  
17 Act takes effect September 1, 2005.