

By: Miller

H.B. No. 947

A BILL TO BE ENTITLED

AN ACT

1
2 relating to including certain bailiffs in the definition of peace
3 officer.

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

5 SECTION 1. Article 2.12, Code of Criminal Procedure, as
6 amended by Chapters 235, 474, and 930, Acts of the 78th Legislature,
7 Regular Session, 2003, is reenacted and amended to read as follows:

8 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
9 officers:

10 (1) sheriffs, their deputies, and those reserve
11 deputies who hold a permanent peace officer license issued under
12 Chapter 1701, Occupations Code;

13 (2) constables, deputy constables, and those reserve
14 deputy constables who hold a permanent peace officer license issued
15 under Chapter 1701, Occupations Code;

16 (3) marshals or police officers of an incorporated
17 city, town, or village, and those reserve municipal police officers
18 who hold a permanent peace officer license issued under Chapter
19 1701, Occupations Code;

20 (4) rangers and officers commissioned by the Public
21 Safety Commission and the Director of the Department of Public
22 Safety;

23 (5) investigators of the district attorneys', criminal
24 district attorneys', and county attorneys' offices;

1 (6) law enforcement agents of the Texas Alcoholic
2 Beverage Commission;

3 (7) each member of an arson investigating unit
4 commissioned by a city, a county, or the state;

5 (8) officers commissioned under Section 37.081,
6 Education Code, or Subchapter E, Chapter 51, Education Code;

7 (9) officers commissioned by the General Services
8 Commission;

9 (10) law enforcement officers commissioned by the
10 Parks and Wildlife Commission;

11 (11) airport police officers commissioned by a city
12 with a population of more than 1.18 million that operates an airport
13 that serves commercial air carriers;

14 (12) airport security personnel commissioned as peace
15 officers by the governing body of any political subdivision of this
16 state, other than a city described by Subdivision (11), that
17 operates an airport that serves commercial air carriers;

18 (13) municipal park and recreational patrolmen and
19 security officers;

20 (14) security officers and investigators commissioned
21 as peace officers by the comptroller;

22 (15) officers commissioned by a water control and
23 improvement district under Section 49.216, Water Code;

24 (16) officers commissioned by a board of trustees
25 under Chapter 54, Transportation Code;

26 (17) investigators commissioned by the Texas State
27 Board of Medical Examiners;

1 (18) officers commissioned by the board of managers of
2 the Dallas County Hospital District, the Tarrant County Hospital
3 District, or the Bexar County Hospital District under Section
4 281.057, Health and Safety Code;

5 (19) county park rangers commissioned under
6 Subchapter E, Chapter 351, Local Government Code;

7 (20) investigators employed by the Texas Racing
8 Commission;

9 (21) officers commissioned under Chapter 554,
10 Occupations Code;

11 (22) officers commissioned by the governing body of a
12 metropolitan rapid transit authority under Section 451.108,
13 Transportation Code, or by a regional transportation authority
14 under Section 452.110, Transportation Code;

15 (23) investigators commissioned by the attorney
16 general under Section 402.009, Government Code;

17 (24) security officers and investigators commissioned
18 as peace officers under Chapter 466, Government Code;

19 (25) an officer employed by the Texas Department of
20 Health under Section 431.2471, Health and Safety Code;

21 (26) officers appointed by an appellate court under
22 Subchapter F, Chapter 53, Government Code;

23 (27) officers commissioned by the state fire marshal
24 under Chapter 417, Government Code;

25 (28) an investigator commissioned by the commissioner
26 of insurance under Article 1.10D, Insurance Code;

27 (29) apprehension specialists commissioned by the

1 Texas Youth Commission as officers under Section 61.0931, Human
2 Resources Code;

3 (30) officers appointed by the executive director of
4 the Texas Department of Criminal Justice under Section 493.019,
5 Government Code;

6 (31) investigators commissioned by the Commission on
7 Law Enforcement Officer Standards and Education under Section
8 1701.160, Occupations Code;

9 (32) commission investigators commissioned by the
10 Texas Commission on Private Security under Section 1702.061(f),
11 Occupations Code;

12 (33) the fire marshal~~[7]~~ and any officers, inspectors,
13 or investigators commissioned by an emergency services district ~~[to~~
14 ~~assist that fire marshal,~~] under ~~[Subchapter F,~~] Chapter 775,
15 Health and Safety Code; ~~and]~~

16 (34) officers commissioned by the State Board of
17 Dental Examiners under Section 254.013, Occupations Code, subject
18 to the limitations imposed by that section; and

19 (35) a bailiff serving a grand jury or district court
20 under Article 19.36 or 36.24 of this code; Section 201.008, Family
21 Code; or Chapter 24, 53, or 62, Government Code.

22 SECTION 2. Section 53.0071, Government Code, is amended to
23 read as follows:

24 Sec. 53.0071. BAILIFF AS PEACE OFFICER. A ~~[Unless the~~
25 ~~appointing judge provides otherwise in the order of appointment, a]~~
26 bailiff appointed under this chapter ~~[Section 53.001(b) or (g) or~~
27 ~~53.002(c), (e), or (f)]~~ is a "peace officer" for purposes of Article

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1 2.12, Code of Criminal Procedure.

2 SECTION 3. This Act takes effect September 1, 2005.