

By: Shapleigh

S.B. No. 881

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the qualifications, powers, and duties of a special
3 ranger and a special Texas Ranger.

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

5 SECTION 1. Section 411.023, Government Code, is amended by
6 amending Subsections (a), (b), (e), and (f) and adding Subsections
7 (b-1), (g), and (h) to read as follows:

8 (a) The commission may appoint as special rangers not more
9 than 300 honorably retired commissioned officers of the department
10 who received during their employment with the department
11 commendation through the department's recognition and awards
12 program for exceptionally meritorious service, heroism, or other
13 extraordinary acts [~~and not more than 300 other persons~~].

14 (b) A special ranger is subject to the orders of the
15 commission and the governor for special duty to the same extent as
16 [~~other~~] law enforcement officers provided for by this chapter,
17 except as follows. During a period in which a special ranger has
18 been specifically called to special duty by the commission or the
19 governor, [that] a special ranger may only [not] enforce a law
20 [except one] designed to protect life and property and may not
21 enforce a law regulating the use of a state highway by a motor
22 vehicle. During a period in which a special ranger has not been
23 specifically called to duty by the commission or the governor, a
24 special ranger may only enforce a law as provided by Subsection

1 (b-1) and may not use the Texas Law Enforcement Telecommunications
2 System to obtain criminal history information, driver's license
3 information, or any other information available through that
4 system. A special ranger is not connected with a ranger company or
5 uniformed unit of the department and may not wear a department
6 uniform.

7 (b-1) During a period in which a special ranger has not been
8 specifically called to duty by the commission or the governor, the
9 special ranger may only enforce:

10 (1) a law designed to protect life, if the special
11 ranger reasonably believes that an imminent threat to cause death
12 or serious bodily injury exists;

13 (2) a law designed to protect property, but only if the
14 property belongs to the special ranger; or

15 (3) in the manner provided by Chapter 14, Code of
16 Criminal Procedure, a law that a person who is not a peace officer
17 may enforce.

18 (e) A special ranger commission expires January 1 of the
19 first odd-numbered year after appointment. The director may revoke
20 a special ranger commission at any time for cause, including a
21 violation of this section. A special ranger's commission
22 terminates if the special ranger is:

23 (1) commissioned by another law enforcement agency;

24 (2) elected or appointed as a judge of a court in this
25 state; or

26 (3) employed by the department as a commissioned
27 officer.

1 (f) The commission shall authorize a special identification
2 card [~~badge~~] for persons appointed as special rangers under this
3 section that is distinct in appearance from the card [~~badge~~]
4 authorized for special Texas Rangers under Section 411.024 and from
5 any badge issued to a Texas Ranger. The special identification card
6 must include notice that a special ranger is not a peace officer and
7 is authorized by the commission to exercise only those powers and
8 perform only those duties prescribed by this section.

9 (g) The department shall include on the department's
10 website, and in any literature published by the department relating
11 to department officers, information regarding the qualifications,
12 powers, and duties prescribed by this section for a special ranger.
13 The department shall also include on the department's website
14 procedures by which a member of the public may file with the
15 department a complaint regarding a special ranger. The procedures
16 for a public complaint against a department employee prescribed by
17 Section 411.0195 apply to a complaint against a special ranger.

18 (h) To carry a firearm as a special ranger, a special ranger
19 must annually obtain a handgun proficiency certificate under
20 Section 411.189 or a weapons proficiency certificate under Section
21 1701.355, Occupations Code, and submit a copy of the certificate to
22 the commission. The commission shall adopt rules for the
23 administration of this subsection.

24 SECTION 2. Section 411.024, Government Code, is amended by
25 amending Subsections (a), (b), (e), and (f) and adding Subsections
26 (b-1), (g), and (h) to read as follows:

27 (a) The commission may appoint as a special Texas Ranger an

1 honorably retired or retiring commissioned officer of the
2 department who received during the officer's employment with the
3 department commendation through the department's recognition and
4 awards program for exceptionally meritorious service, heroism, or
5 other extraordinary acts and whose position immediately preceding
6 retirement is an officer of the Texas Rangers.

7 (b) A special Texas Ranger is subject to the orders of the
8 commission and the governor for special duty to the same extent as
9 ~~[other]~~ law enforcement officers provided for by this chapter,
10 except as follows. During a period in which a special Texas Ranger
11 has been specifically called to special duty by the commission or
12 the governor, ~~[that]~~ a special Texas Ranger may only ~~[not]~~ enforce a
13 law ~~[except one]~~ designed to protect life and property and may not
14 enforce a law regulating the use of a state highway by a motor
15 vehicle. During a period in which a special Texas Ranger has not
16 been specifically called to duty by the commission or the governor,
17 a special Texas Ranger may only enforce a law as provided by
18 Subsection (b-1) and may not use the Texas Law Enforcement
19 Telecommunications System to obtain criminal history information,
20 driver's license information, or any other information available
21 through that system. A special Texas Ranger is not connected with a
22 ranger company or uniformed unit of the department and may not wear
23 a department uniform.

24 (b-1) During a period in which a special Texas Ranger has
25 not been specifically called to duty by the commission or the
26 governor, the special Texas Ranger may only enforce:

27 (1) a law designed to protect life, if the special

1 Texas Ranger reasonably believes that an imminent threat to cause
2 death or serious bodily injury exists;

3 (2) a law designed to protect property, but only if the
4 property belongs to the special Texas Ranger; or

5 (3) in the manner provided by Chapter 14, Code of
6 Criminal Procedure, a law that a person who is not a peace officer
7 may enforce.

8 (e) A special Texas Ranger commission expires January 1 of
9 the first odd-numbered year after appointment. The commission may
10 revoke the commission of a special Texas Ranger who commits a
11 violation of this section or of a rule of the department for which
12 an active officer of the Texas Rangers would be discharged. A
13 special Texas Ranger's commission terminates if the special Texas
14 Ranger is:

15 (1) commissioned by another law enforcement agency;

16 (2) elected or appointed as a judge of a court in this
17 state; or

18 (3) employed by the department as a commissioned
19 officer.

20 (f) The commission shall authorize a special identification
21 card [~~badge~~] for persons appointed as special Texas Rangers under
22 this section that is distinct in appearance from the card [~~badge~~]
23 authorized for special rangers under Section 411.023. The special
24 identification card must include notice that a special Texas Ranger
25 is not a peace officer and is authorized by the commission to
26 exercise only those powers and perform only those duties prescribed
27 by this section.

1 (g) The department shall include on the department's
2 website, and in any literature published by the department relating
3 to department officers, information regarding the qualifications,
4 powers, and duties prescribed by this section for a special Texas
5 Ranger. The department shall also include on the department's
6 website procedures by which a member of the public may file with the
7 department a complaint regarding a special Texas Ranger. The
8 procedures for a public complaint against a department employee
9 prescribed by Section 411.0195 apply to a complaint against a
10 special Texas Ranger.

11 (h) To carry a firearm as a special Texas Ranger, a special
12 Texas Ranger must annually obtain a handgun proficiency certificate
13 under Section 411.189 or a weapons proficiency certificate under
14 Section 1701.355, Occupations Code, and submit a copy of the
15 certificate to the commission. The commission shall adopt rules
16 for the administration of this subsection.

17 SECTION 3. Article 2.12, Code of Criminal Procedure, as
18 amended by Chapters 235, 474, and 930, Acts of the 78th Legislature,
19 Regular Session, 2003, is reenacted and amended to read as follows:

20 Art. 2.12. WHO ARE PEACE OFFICERS. The following are peace
21 officers:

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

25 (2) constables, deputy constables, and those reserve
26 deputy constables who hold a permanent peace officer license issued
27 under Chapter 1701, Occupations Code;

1 (3) marshals or police officers of an incorporated
2 city, town, or village, and those reserve municipal police officers
3 who hold a permanent peace officer license issued under Chapter
4 1701, Occupations Code;

5 (4) rangers and officers commissioned by the Public
6 Safety Commission and the Director of the Department of Public
7 Safety, other than special rangers appointed under Section 411.023,
8 Government Code, and special Texas Rangers appointed under Section
9 411.024, Government Code;

10 (5) investigators of the district attorneys', criminal
11 district attorneys', and county attorneys' offices;

12 (6) law enforcement agents of the Texas Alcoholic
13 Beverage Commission;

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

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

18 (9) officers commissioned by the General Services
19 Commission;

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

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

25 (12) airport security personnel commissioned as peace
26 officers by the governing body of any political subdivision of this
27 state, other than a city described by Subdivision (11), that

1 operates an airport that serves commercial air carriers;

2 (13) municipal park and recreational patrolmen and
3 security officers;

4 (14) security officers and investigators commissioned
5 as peace officers by the comptroller;

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

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

10 (17) investigators commissioned by the Texas State
11 Board of Medical Examiners;

12 (18) officers commissioned by the board of managers of
13 the Dallas County Hospital District, the Tarrant County Hospital
14 District, or the Bexar County Hospital District under Section
15 281.057, Health and Safety Code;

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

18 (20) investigators employed by the Texas Racing
19 Commission;

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

22 (22) officers commissioned by the governing body of a
23 metropolitan rapid transit authority under Section 451.108,
24 Transportation Code, or by a regional transportation authority
25 under Section 452.110, Transportation Code;

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

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

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

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

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

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

11 (29) apprehension specialists commissioned by the
12 Texas Youth Commission as officers under Section 61.0931, Human
13 Resources Code;

14 (30) officers appointed by the executive director of
15 the Texas Department of Criminal Justice under Section 493.019,
16 Government Code;

17 (31) investigators commissioned by the Commission on
18 Law Enforcement Officer Standards and Education under Section
19 1701.160, Occupations Code;

20 (32) commission investigators commissioned by the
21 Texas Commission on Private Security under Section 1702.061(f),
22 Occupations Code;

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

27 (34) officers commissioned by the State Board of

1 Dental Examiners under Section 254.013, Occupations Code, subject
2 to the limitations imposed by that section.

3 SECTION 4. Section 46.15(a), Penal Code, is amended to read
4 as follows:

5 (a) Sections 46.02 and 46.03 do not apply to:

6 (1) peace officers, including commissioned peace
7 officers of a recognized state, or special investigators under
8 Article 2.122, Code of Criminal Procedure, and neither section
9 prohibits a peace officer or special investigator from carrying a
10 weapon in this state, including in an establishment in this state
11 serving the public, regardless of whether the peace officer or
12 special investigator is engaged in the actual discharge of the
13 officer's or investigator's duties while carrying the weapon;

14 (2) parole officers and neither section prohibits an
15 officer from carrying a weapon in this state if the officer is:

16 (A) engaged in the actual discharge of the
17 officer's duties while carrying the weapon; and

18 (B) in compliance with policies and procedures
19 adopted by the Texas Department of Criminal Justice regarding the
20 possession of a weapon by an officer while on duty;

21 (3) community supervision and corrections department
22 officers appointed or employed under Section 76.004, Government
23 Code, and neither section prohibits an officer from carrying a
24 weapon in this state if the officer is:

25 (A) engaged in the actual discharge of the
26 officer's duties while carrying the weapon; and

27 (B) authorized to carry a weapon under Section

1 76.0051, Government Code;

2 (4) a judge or justice of the supreme court, the court
3 of criminal appeals, a court of appeals, a district court, a
4 criminal district court, a constitutional county court, a statutory
5 county court, a justice court, or a municipal court who is licensed
6 to carry a concealed handgun under Subchapter H, Chapter 411,
7 Government Code; ~~or~~

8 (5) an honorably retired peace officer or federal
9 criminal investigator who holds a certificate of proficiency issued
10 under Section 1701.357, Occupations Code, and is carrying a photo
11 identification that:

12 (A) verifies that the officer honorably retired
13 after not less than 20 years of service as a commissioned officer;
14 and

15 (B) is issued by the agency from which the peace
16 officer retired or, for a federal criminal investigator, by a state
17 law enforcement agency; or

18 (6) a special ranger appointed under Section 411.023,
19 Government Code, or a special Texas Ranger appointed under Section
20 411.024, Government Code, who holds a current handgun proficiency
21 certificate or weapons proficiency certificate as required by
22 Section 411.023 or 411.024, Government Code, as applicable, and who
23 is carrying the applicable special identification card issued under
24 Section 411.023 or 411.024, Government Code.

25 SECTION 5. Section 1701.356, Occupations Code, is amended
26 to read as follows:

27 Sec. 1701.356. CERTAIN OFFICERS: REACTIVATION AND

1 CONTINUING EDUCATION NOT REQUIRED. A [~~(a) An honorably retired~~
2 ~~commissioned officer of the Department of Public Safety who is a~~
3 ~~special ranger under Section 411.023, Government Code, may not be~~
4 ~~required to undergo training under Section 1701.352(b).~~

5 [~~(b) An honorably retired commissioned officer of the~~
6 ~~Department of Public Safety who is a special ranger under Section~~
7 ~~411.023, Government Code, or a]~~ retired state employee [~~and~~] who
8 holds a permanent license issued before January 1981 [~~and~~] that was
9 current on January 1, 1995:

10 (1) has the same rights and privileges as any other
11 peace officer of this state;

12 (2) holds, notwithstanding Section 1701.316, an
13 active license unless the license is revoked, suspended, or
14 probated by the commission for a violation of this chapter; and

15 (3) is not subject to Section 1701.351.

16 SECTION 6. The changes in law made by this Act with regard
17 to eligibility for appointment as a special ranger or special Texas
18 Ranger apply only to a commission issued under Section 411.023 or
19 411.024, Government Code, on or after the effective date of this
20 Act. A commission issued under Section 411.023 or 411.024,
21 Government Code, before the effective date of this Act expires as
22 provided by law on January 1, 2007. However, the changes in law
23 made by this Act with regard to the powers and duties of a special
24 ranger or special Texas Ranger and with regard to all other matters
25 apply to existing special rangers and special Texas Rangers
26 beginning on the effective date of this Act.

27 SECTION 7. To the extent of any conflict, this Act prevails

S.B. No. 881

1 over another Act of the 79th Legislature, Regular Session, 2005,
2 relating to nonsubstantive additions to and corrections in enacted
3 codes.

4 SECTION 8. This Act takes effect September 1, 2005.