

1-1 By: Shapleigh S.B. No. 881  
1-2 (In the Senate - Filed March 2, 2005; March 10, 2005, read  
1-3 first time and referred to Committee on Criminal Justice;  
1-4 April 25, 2005, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 6, Nays 0; April 25, 2005,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 881 By: Ellis

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the qualifications, powers, and duties of a special  
1-11 ranger and a special Texas Ranger.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 411.023, Government Code, is amended by  
1-14 amending Subsections (a), (b), (e), and (f) and adding Subsections  
1-15 (b-1), (g), and (h) to read as follows:

1-16 (a) The commission may appoint as special rangers honorably  
1-17 retired commissioned officers of the department and not more than  
1-18 50 ~~[300—other]~~ persons who are employed by the Texas and  
1-19 Southwestern Cattle Raisers Association.

1-20 (b) A special ranger is subject to the orders of the  
1-21 commission and the governor for special duty to the same extent as  
1-22 other law enforcement officers provided for by this chapter, except  
1-23 as follows. During a period in which a special ranger has been  
1-24 specifically called to special duty by the commission or the  
1-25 governor, ~~[that]~~ a special ranger may only ~~[not]~~ enforce a law  
1-26 ~~[except one]~~ designed to protect life and property and may not  
1-27 enforce a law regulating the use of a state highway by a motor  
1-28 vehicle. During a period in which a special ranger has not been  
1-29 specifically called to duty by the commission or the governor, a  
1-30 special ranger may only enforce a law as provided by Subsection  
1-31 (b-1) and may not use the Texas Law Enforcement Telecommunications  
1-32 System to obtain criminal history information, driver's license  
1-33 information, or any other information available through that  
1-34 system. A special ranger is not connected with a ranger company or  
1-35 uniformed unit of the department and may not wear a department  
1-36 uniform.

1-37 (b-1) During a period in which a special ranger has not been  
1-38 specifically called to duty by the commission or the governor, the  
1-39 special ranger may only enforce:

1-40 (1) a law designed to protect life, if the special  
1-41 ranger reasonably believes that an imminent threat to cause death  
1-42 or serious bodily injury exists;

1-43 (2) a law designed to protect property, but only if the  
1-44 property belongs to the special ranger; or

1-45 (3) in the manner provided by Chapter 14, Code of  
1-46 Criminal Procedure, a law that a person who is not a peace officer  
1-47 may enforce.

1-48 (e) A special ranger commission expires January 1 of the  
1-49 first odd-numbered year after appointment. The director may revoke  
1-50 a special ranger commission at any time for cause, including a  
1-51 violation of this section. A special ranger's commission  
1-52 terminates if the special ranger is:

1-53 (1) commissioned by another law enforcement agency;

1-54 (2) elected or appointed as a judge of a court in this  
1-55 state; or

1-56 (3) employed by the department as a commissioned  
1-57 officer.

1-58 (f) The commission shall authorize a badge for persons  
1-59 appointed as special rangers under this section that is distinct in  
1-60 appearance from the badge authorized for special Texas Rangers  
1-61 under Section 411.024 and from any badge issued to a Texas Ranger.  
1-62 In addition to the badge, the commission shall authorize a special  
1-63 identification card for persons appointed as special rangers under

2-1 this section that includes notice that a special ranger is  
 2-2 authorized by the commission to exercise only those powers and  
 2-3 perform only those duties prescribed by this section. A person  
 2-4 appointed as a special ranger under this section who displays the  
 2-5 special ranger's badge to a member of the public when enforcing a  
 2-6 law as a special ranger under this section must display the special  
 2-7 ranger's special identification card along with the badge.

2-8 (g) The department shall include on the department's  
 2-9 website, and in any literature published by the department relating  
 2-10 to department officers, information regarding the qualifications,  
 2-11 powers, and duties prescribed by this section for a special ranger.  
 2-12 The department shall also include on the department's website  
 2-13 procedures by which a member of the public may file with the  
 2-14 department a complaint regarding a special ranger. The procedures  
 2-15 for a public complaint against a department employee prescribed by  
 2-16 Section 411.0195 apply to a complaint against a special ranger.

2-17 (h) To carry a firearm as a special ranger, a special ranger  
 2-18 must annually obtain a handgun proficiency certificate under  
 2-19 Section 411.189 or a weapons proficiency certificate under Section  
 2-20 1701.355, Occupations Code, and submit a copy of the certificate to  
 2-21 the commission. The commission shall adopt rules for the  
 2-22 administration of this subsection.

2-23 SECTION 2. Section 411.024, Government Code, is amended by  
 2-24 amending Subsections (b), (e), and (f) and adding Subsections  
 2-25 (b-1), (g), and (h) to read as follows:

2-26 (b) A special Texas Ranger is subject to the orders of the  
 2-27 commission and the governor for special duty to the same extent as  
 2-28 other law enforcement officers provided for by this chapter, except  
 2-29 as follows. During a period in which a special Texas Ranger has  
 2-30 been specifically called to special duty by the commission or the  
 2-31 governor, ~~that~~ a special Texas Ranger may only ~~not~~ enforce a law  
 2-32 ~~except one~~ designed to protect life and property and may not  
 2-33 enforce a law regulating the use of a state highway by a motor  
 2-34 vehicle. During a period in which a special Texas Ranger has not  
 2-35 been specifically called to duty by the commission or the governor,  
 2-36 a special Texas Ranger may only enforce a law as provided by  
 2-37 Subsection (b-1) and may not use the Texas Law Enforcement  
 2-38 Telecommunications System to obtain criminal history information,  
 2-39 driver's license information, or any other information available  
 2-40 through that system. A special Texas Ranger is not connected with a  
 2-41 ranger company or uniformed unit of the department and may not wear  
 2-42 a department uniform.

2-43 (b-1) During a period in which a special Texas Ranger has  
 2-44 not been specifically called to duty by the commission or the  
 2-45 governor, the special Texas Ranger may only enforce:

2-46 (1) a law designed to protect life, if the special  
 2-47 Texas Ranger reasonably believes that an imminent threat to cause  
 2-48 death or serious bodily injury exists;

2-49 (2) a law designed to protect property, but only if the  
 2-50 property belongs to the special Texas Ranger; or

2-51 (3) in the manner provided by Chapter 14, Code of  
 2-52 Criminal Procedure, a law that a person who is not a peace officer  
 2-53 may enforce.

2-54 (e) A special Texas Ranger commission expires January 1 of  
 2-55 the first odd-numbered year after appointment. The commission may  
 2-56 revoke the commission of a special Texas Ranger who commits a  
 2-57 violation of this section or of a rule of the department for which  
 2-58 an active officer of the Texas Rangers would be discharged. A  
 2-59 special Texas Ranger's commission terminates if the special Texas  
 2-60 Ranger is:

2-61 (1) commissioned by another law enforcement agency;

2-62 (2) elected or appointed as a judge of a court in this  
 2-63 state; or

2-64 (3) employed by the department as a commissioned  
 2-65 officer.

2-66 (f) The commission shall authorize a badge for persons  
 2-67 appointed as special Texas Rangers under this section that is  
 2-68 distinct in appearance from the badge authorized for special  
 2-69 rangers under Section 411.023. In addition to the badge, the

3-1 commission shall authorize a special identification card for  
 3-2 persons appointed as special Texas Rangers under this section that  
 3-3 includes notice that a special Texas Ranger is authorized by the  
 3-4 commission to exercise only those powers and perform only those  
 3-5 duties prescribed by this section. A person appointed as a special  
 3-6 Texas Ranger under this section who displays the special Texas  
 3-7 Ranger's badge to a member of the public when enforcing a law as a  
 3-8 special Texas Ranger under this section must display the special  
 3-9 Texas Ranger's special identification card along with the badge.

3-10 (g) The department shall include on the department's  
 3-11 website, and in any literature published by the department relating  
 3-12 to department officers, information regarding the qualifications,  
 3-13 powers, and duties prescribed by this section for a special Texas  
 3-14 Ranger. The department shall also include on the department's  
 3-15 website procedures by which a member of the public may file with the  
 3-16 department a complaint regarding a special Texas Ranger. The  
 3-17 procedures for a public complaint against a department employee  
 3-18 prescribed by Section 411.0195 apply to a complaint against a  
 3-19 special Texas Ranger.

3-20 (h) To carry a firearm as a special Texas Ranger, a special  
 3-21 Texas Ranger must annually obtain a handgun proficiency certificate  
 3-22 under Section 411.189 or a weapons proficiency certificate under  
 3-23 Section 1701.355, Occupations Code, and submit a copy of the  
 3-24 certificate to the commission. The commission shall adopt rules  
 3-25 for the administration of this subsection.

3-26 SECTION 3. Subsection (b), Section 1701.356, Occupations  
 3-27 Code, is amended to read as follows:

3-28 (b) Except as provided by Section 411.023, Government Code,  
 3-29 an [An] honorably retired commissioned officer of the Department of  
 3-30 Public Safety who is a special ranger under Section 411.023,  
 3-31 Government Code, or a retired state employee and who holds a  
 3-32 permanent license issued before January 1981 and that was current  
 3-33 on January 1, 1995:

3-34 (1) has the same rights and privileges as any other  
 3-35 peace officer of this state;

3-36 (2) holds, notwithstanding Section 1701.316, an  
 3-37 active license unless the license is revoked, suspended, or  
 3-38 probated by the commission for a violation of this chapter; and

3-39 (3) is not subject to Section 1701.351.

3-40 SECTION 4. The changes in law made by this Act with regard  
 3-41 to eligibility for appointment as a special ranger apply only to a  
 3-42 commission issued under Section 411.023, Government Code, on or  
 3-43 after the effective date of this Act. A commission issued under  
 3-44 Section 411.023, Government Code, before the effective date of this  
 3-45 Act expires as provided by law on January 1, 2007. However, the  
 3-46 changes in law made by this Act with regard to the powers and duties  
 3-47 of a special ranger or special Texas Ranger and with regard to all  
 3-48 other matters apply to existing special rangers and special Texas  
 3-49 Rangers beginning on the effective date of this Act.

3-50 SECTION 5. This Act takes effect September 1, 2005.

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