

By: Williams

S.B. No. 888

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the powers, duties, privileges, and immunities of a
3 peace 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. (a) The following are
9 peace 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.

19 (b) Notwithstanding any other law:

20 (1) a peace officer described by Subsection (a)(1),
21 (2), (3), (4), (5), or (10) has all the powers, duties, privileges,
22 and immunities given to peace officers generally under the laws of
23 this state; and

24 (2) any other peace officer has the same powers,
25 duties, privileges, and immunities as a peace officer described by
26 Subdivision (1), but only:

27 (A) during a time in which the officer is in the

1 actual discharge of official duties; and

2 (B) to the extent the officer is acting within
3 the scope of those duties, as described by law, including any
4 applicable limitation as to geographical boundaries.

5 SECTION 2. This Act takes effect September 1, 2007.