

By: Whitmire

S.B. No. 907

Substitute the following for S.B. No. 907:

By: Keel

C.S.S.B. No. 907

A BILL TO BE ENTITLED

1

AN ACT

2 relating to authority of a peace officer to make an arrest outside  
3 of the officer's jurisdiction or to seize property while making the  
4 arrest.

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

6 SECTION 1. Article 14.03(g), Code of Criminal Procedure, is  
7 amended to read as follows:

8 (g) (1) A peace officer listed in Subdivision (1), (2), [~~(3)~~,  
9 ~~(4)~~] or (5), Article 2.12, who is licensed under Chapter 1701  
10 [~~415~~], Occupations [~~Government~~] Code, and is outside of the  
11 officer's jurisdiction may arrest without a warrant a person who  
12 commits any offense within the officer's presence or view, other  
13 than [~~except that an officer who is outside the officer's~~  
14 ~~jurisdiction may arrest a person for~~] a violation of Subtitle C,  
15 Title 7, Transportation Code[~~, only if the officer is listed in~~  
16 ~~Subdivision (4), Article 2.12~~].

17 (2) A peace officer listed in Subdivision (3), Article  
18 2.12, who is licensed under Chapter 1701, Occupations Code, and is  
19 outside of the officer's jurisdiction may arrest without a warrant  
20 a person who commits any offense within the officer's presence or  
21 view, except that an officer described in this subdivision who is  
22 outside of that officer's jurisdiction may arrest a person for a  
23 violation of Subtitle C, Title 7, Transportation Code, only if the  
24 offense is committed in the county or counties in which the

1 municipality employing the peace officer is located.

2           (3) A peace officer making an arrest under this  
3 subsection shall as soon as practicable after making the arrest  
4 notify a law enforcement agency having jurisdiction where the  
5 arrest was made. The law enforcement agency shall then take custody  
6 of:

7                   (A) the person committing the offense and take  
8 the person before a magistrate in compliance with Article 14.06;  
9 and

10                   (B) any property seized during or after the  
11 arrest as if the property had been seized by a peace officer of that  
12 law enforcement agency.

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