

1-1 By: Whitmire S.B. No. 907
1-2 (In the Senate - Filed March 11, 2005; March 14, 2005, read
1-3 first time and referred to Committee on Criminal Justice;
1-4 March 30, 2005, reported favorably by the following vote: Yeas 4,
1-5 Nays 0; March 30, 2005, sent to printer.)

1-6 A BILL TO BE ENTITLED
1-7 AN ACT

1-8 relating to authority of a peace officer to make an arrest outside
1-9 of the officer's jurisdiction or to seize property while making the
1-10 arrest.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Subsection (g), Article 14.03, Code of Criminal
1-13 Procedure, is amended to read as follows:

1-14 (g)(1) A peace officer listed in Subdivision (4), Article
1-15 2.12, may arrest a person who anywhere in this state commits an
1-16 offense within the officer's presence or view, including an offense
1-17 under Subtitle C, Title 7, Transportation Code.

1-18 (2) A peace officer listed in Subdivision (1), (2),
1-19 (3), [~~(4)~~], or (5), Article 2.12, who is licensed under Chapter 1701
1-20 [~~415~~], Occupations [~~Government~~] Code, and is outside of the
1-21 officer's jurisdiction may arrest without a warrant a person who
1-22 anywhere in this state commits an [~~any~~] offense within the
1-23 officer's presence or view, except that an officer described by
1-24 this subdivision who is outside the officer's jurisdiction may
1-25 arrest a person for a violation of Subtitle C, Title 7,
1-26 Transportation Code, only if the offense is committed in the county
1-27 in which the peace officer serves as an elected official or in which
1-28 the law enforcement agency employing the peace officer is located
1-29 [~~officer is listed in Subdivision (4), Article 2.12~~]. For the
1-30 purposes of this subdivision, a municipal law enforcement agency
1-31 that serves a municipality located in more than one county is
1-32 located in each county in which the municipality is located.

1-33 (3) A peace officer making an arrest under this
1-34 subsection shall as soon as practicable after making the arrest
1-35 notify a law enforcement agency having jurisdiction where the
1-36 arrest was made. The law enforcement agency shall then take custody
1-37 of the person committing the offense and take the person before a
1-38 magistrate in compliance with Article 14.06.

1-39 SECTION 2. Article 59.03, Code of Criminal Procedure, is
1-40 amended by amending Subsection (c) and adding Subsection (e) to
1-41 read as follows:

1-42 (c) Except as provided by Subsection (e), a [A] peace
1-43 officer who seizes property under this chapter has custody of the
1-44 property, subject only to replevy under Article 59.02 of this code
1-45 or an order of a court. A peace officer who has custody of property
1-46 shall provide the attorney representing the state with a sworn
1-47 statement that contains a schedule of the property seized, an
1-48 acknowledgment that the officer has seized the property, and a list
1-49 of the officer's reasons for the seizure. Not later than 72 hours
1-50 after the seizure, the peace officer shall:

1-51 (1) place the property under seal;

1-52 (2) remove the property to a place ordered by the
1-53 court; or

1-54 (3) require a law enforcement agency of the state or a
1-55 political subdivision to take custody of the property and move it to
1-56 a proper location.

1-57 (e) A peace officer who seizes property under this chapter
1-58 while making an arrest outside of the officer's jurisdiction has
1-59 temporary custody of the property. A peace officer who has
1-60 temporary custody of property under this subsection shall as soon
1-61 as practicable after seizing the property notify a law enforcement
1-62 agency having jurisdiction in the county in which the property was
1-63 seized. A law enforcement agency properly notified under this
1-64 subsection shall take custody of the property seized in accordance

2-1 with this chapter. This subsection does not apply to a peace
2-2 officer who is acting as part of an active multijurisdictional task
2-3 force. Property seized by a peace officer who is acting as part of
2-4 an active multijurisdictional task force is governed by:

- 2-5 (1) the agreement creating the task force; or
- 2-6 (2) the procedures described by Subsection (c),
- 2-7 regardless of whether the officer seizes the property while making
- 2-8 an arrest outside of the officer's jurisdiction.

2-9 SECTION 3. The change in law made by Article 59.03, Code of
2-10 Criminal Procedure, as amended by this Act, applies only to a
2-11 seizure made on or after the effective date of this Act. A seizure
2-12 made before the effective date of this Act is covered by the law in
2-13 effect when the seizure was made, and the former law is continued in
2-14 effect for that purpose.

2-15 SECTION 4. This Act takes effect September 1, 2005.

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