

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

March 23, 2005

TO: Honorable John Whitmire, Chair, Senate Committee on Criminal Justice

FROM: John S. O'Brien, Deputy Director, Legislative Budget Board

IN RE: SB907 by Whitmire (Relating to authority of a peace officer to make an arrest outside of the officer's jurisdiction or to seize property while making the arrest.), **As Introduced**

No significant fiscal implication to the State is anticipated.

The bill would authorize local peace officers to make warrantless arrests for traffic violations outside of the officer's jurisdiction if the offense occurs in the officer's presence or view and if the offense occurs in the county in which the officer serves. For peace officers in a municipality that exists within more than one county, the officers would have authority in each county in which the municipality exists.

The bill would also authorize an officer seizing property when making an arrest outside of the officer's jurisdiction to have temporary custody of the property. The officer would be required to contact a law enforcement agency in the jurisdiction in which the property is seized as soon as practicable and turn it over to that agency. These seizure requirements would not apply to seizures made as part of a multi-jurisdictional task force. The bill would take effect September 1, 2005 and would apply only to a seizure made on or after that date.

Under current statute, peace officers can make a warrantless arrest outside of their jurisdiction if they view the offense or it is committed in their presence unless the offense is a traffic violation. Allowing an officer to make a traffic arrest outside their jurisdiction is expected to have an insignificant fiscal impact.

Under current statute, when a peace officer seizes property outside of the officer's jurisdiction, the officer must turn the property over to the appropriate entity within 72 hours of the seizure. In some instances, allowing flexibility in when property is submitted to the agency with jurisdiction may prevent overtime costs for the agency whose officer made the seizure.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 405 Department of Public Safety

LBB Staff: JOB, KJG, DLBa