

BILL ANALYSIS

C.S.H.B. 2813
By: Hughes
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Current law allows the Texas Commission on Law Enforcement Officer Standards (TCLEOSE) and Education to commission certified peace officers for the limited purpose of administering Chapter 1701, Occupations Code.

These investigators spend their time investigating cases in which a certified peace officer has violated the law, but the Occupations Code limits the investigators' authority to the enforcement of only the provisions of the Occupations Code. The problem occurs when during the course of an initial investigation into violations of the Occupations Code, the investigator also learns of violations of the Penal Code. Because of the limitation in the current statute, the investigator is not authorized to pursue these additional violations, and in many cases, the violations go unprosecuted. This limitation on the investigators' authority also prevents the Commission from fully investigating individuals who impersonate peace officers.

C.S.H.B. 2813 would clarify the purpose of the commission so as to assist TCLEOSE in investigating persons licensed under Chapter 1701, Occupations Code.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Section 1701.160, Occupations Code, to authorize the Commission on Law Enforcement Officer Standards and Education to commission certified peace officers as investigators employed by the Commission on Law Enforcement Officer Standards and Education for the purpose of assisting the commission in investigating a person licensed under Chapter 1701, Occupations Code. The bill also strikes the words "limited" and "administering" from Section 1701.160, Occupations Code.

SECTION 2. The bill effective September 1, 2007.

EFFECTIVE DATE

September 1, 2007

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bills amends the Code of Criminal Procedure and the Occupations Code; whereas the substitute only amends the Occupations Code.

Additionally, the original bill amends Section 1701.160, Occupations Code to state that the commission may commission certified peace officers as investigators employed by the commission. Whereas, the substitute amends Section 1701.160, Occupations Code to state that the commission may commission certified peace officers as investigators employed by the commission for the purpose of assisting the commission investigating a person licensed under in this chapter. The substitute makes conforming changes.