

BILL ANALYSIS

C.S.H.B. 3435
By: Herrero
Law Enforcement
Committee Report (Substituted)

BACKGROUND AND PURPOSE

C.S.H.B. 3435 seeks to clarify the authority and jurisdiction of port authority police officers who are not listed under Article 2.12, Code of Criminal Procedure, but who are in fact designated peace officers under the Texas Water Code, Chapter 60.

Without this bill, questions may arise as to the port police officers' status and jurisdiction as peace officers, which may impede the port officers' ability to fulfill their unique mission to function as first responders and investigate and act upon breaches of port security.

C.S.H.B. 3435 will clarify that any peace officer employed or appointed by a navigation and canal commission under §60.077, Texas Water Code, has the same scope of authority as a peace officer designated as such under Art. 2.12, Code of Criminal Procedure.

RULEMAKING AUTHORITY

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

ANALYSIS

SECTION 1. Amends Section 60.077, Water Code, to specify that a peace officer under that Section, which includes any sheriff, constable, other duly constituted peace officer of the State of Texas, as well as any peace officer employed or appointed by a navigation and canal commission, has the same powers and duties as a peace officer described in Art. 2.12, Code of Criminal Procedure.

SECTION 2. Provides that this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

EFFECTIVE DATE

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2007.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The original bill designated the peace officers under this section as peace officers under Art. 2.12 Code of Criminal Procedure. The substitute gives the officers the same powers and duties as a peace officer under that section of the code.