

BILL ANALYSIS

Senate Research Center

S.B. 410
By: Harris
Natural Resources
6/29/2007
Enrolled

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, municipalities are authorized to enforce the laws of a lake on the parts of a body of water that fall within a municipality's jurisdiction with a registered marine enforcement unit. The remainder of the lake is patrolled by Texas Parks and Wildlife Department (TPWD) and the county under whose jurisdiction the lake falls. Counties or TPWD enforce large areas of water with only a few boats, resulting in fewer patrol boats and protection for those waters when performing administrative or punitive functions.

S.B. 410 authorizes a municipality that borders any body of water that falls within the municipality's jurisdiction to enforce all laws on the entirety of that body of water with a registered marine enforcement unit.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter E, Chapter 31, Parks and Wildlife Code, by adding Section 31.1211, as follows:

Sec. 31.1211. JURISDICTION OF MUNICIPAL PEACE OFFICERS. (a) Authorizes a peace officer of a municipality who is certified as a marine safety enforcement officer under Section 31.121 (Enforcement Officers), notwithstanding any other law limiting the enforcement jurisdiction of a peace officer, to enforce the provisions of this chapter (Water Safety) within an area of a lake that is outside the enforcement jurisdiction of the peace officer if any portion of the lake is contained in the corporate limits or extraterritorial jurisdiction of the municipality and the municipality has entered into a memorandum of understanding with the governmental entity having enforcement jurisdiction in that area granting the peace officer enforcement jurisdiction in the area.

(b) Requires the memorandum of understanding under Subsection (a)(2) to designate the jurisdiction that has the authority to conduct any prosecution or ongoing investigation of a violation resulting from an enforcement action under this section and be approved by the Texas Parks and Wildlife Department.

SECTION 2. Effective date: upon passage or September 1, 2007.