

By: Driver

H.C.R. No. 96

HOUSE CONCURRENT RESOLUTION

1 WHEREAS, Article 2.12, Code of Criminal Procedure,
2 delineates who are peace officers in the State of Texas; since its
3 enactment in 1967, the article has been amended 51 times and now
4 includes a list of 34 classes of individuals who have been
5 designated peace officers under the law; and

6 WHEREAS, Law enforcement authority for these peace officers
7 is derived from two sources: the Texas Constitution grants
8 permanent authority to sheriffs, constables, marshals, and police
9 officers, among others; alternatively, peace officers are
10 commissioned by a governmental entity or state agency to carry out a
11 specific law enforcement purpose under the limited purview of the
12 commissioning entity; and

13 WHEREAS, As a consequence of the manner in which these
14 commissioned peace officers are authorized under Article 2.12,
15 there are no statewide standards to provide for the oversight of a
16 commissioning entity, liability for a peace officer's action, or
17 management of geographic or functional overlaps in jurisdiction;
18 and

19 WHEREAS, To prevent any compromises to law enforcement
20 efforts that may arise from this lack of coordinated effort, it
21 would behoove the state to study the development of our peace
22 officer ranks and future additions to Article 2.12, Code of
23 Criminal Procedure; now, therefore, be it

24 RESOLVED, That the 80th Legislature of the State of Texas

1 observe a moratorium on the statutory creation of new police
2 agencies, except for any new law enforcement authority the
3 legislature deems necessary for the Texas Youth Commission, the
4 Texas Juvenile Probation Commission, and the Texas Health and Human
5 Services Commission Office of Inspector General, until the issue
6 can be studied and fully assessed by the 81st Texas Legislature.