

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 hereby request the lieutenant governor and the speaker of the house  
2 of representatives to create a joint interim committee to study the  
3 qualifications and standards necessary to be designated a police  
4 agency; and, be it further

5         RESOLVED, That the committee be composed of the members of  
6 the Senate Criminal Justice Committee and the House Committee on  
7 Law Enforcement; and, be it further

8         RESOLVED, That the committee's proceedings and operations be  
9 governed by such general rules and policies for joint interim  
10 committees as the 80th Legislature may adopt and that such rules and  
11 policies supersede the provisions of this resolution to the extent  
12 of any conflict; and, be it further

13         RESOLVED, That the committee submit a full report, including  
14 findings and recommendations, to the 81st Texas Legislature when it  
15 convenes in January 2009; and, be it further

16         RESOLVED, That the Texas Legislature observe a moratorium on  
17 the statutory creation of new police agencies until the committee's  
18 recommendations and findings can be assessed by the 81st Texas  
19 Legislature.