

1-1 By: Driver (Senate Sponsor - Whitmire) H.C.R. No. 96  
1-2 (In the Senate - Received from the House April 26, 2007;  
1-3 May 1, 2007, read first time and referred to Committee on Criminal  
1-4 Justice; May 21, 2007, reported favorably by the following vote:  
1-5 Yeas 6, Nays 0; May 21, 2007, sent to printer.)

1-6 HOUSE CONCURRENT RESOLUTION

1-7 WHEREAS, Article 2.12, Code of Criminal Procedure,  
1-8 delineates who are peace officers in the State of Texas; since its  
1-9 enactment in 1967, the article has been amended 51 times and now  
1-10 includes a list of 34 classes of individuals who have been  
1-11 designated peace officers under the law; and

1-12 WHEREAS, Law enforcement authority for these peace officers  
1-13 is derived from two sources: the Texas Constitution grants  
1-14 permanent authority to sheriffs, constables, marshals, and police  
1-15 officers, among others; alternatively, peace officers are  
1-16 commissioned by a governmental entity or state agency to carry out a  
1-17 specific law enforcement purpose under the limited purview of the  
1-18 commissioning entity; and

1-19 WHEREAS, As a consequence of the manner in which these  
1-20 commissioned peace officers are authorized under Article 2.12,  
1-21 there are no statewide standards to provide for the oversight of a  
1-22 commissioning entity, liability for a peace officer's action, or  
1-23 management of geographic or functional overlaps in jurisdiction;  
1-24 and

1-25 WHEREAS, To prevent any compromises to law enforcement  
1-26 efforts that may arise from this lack of coordinated effort, it  
1-27 would behoove the state to study the development of our peace  
1-28 officer ranks and future additions to Article 2.12, Code of  
1-29 Criminal Procedure; now, therefore, be it

1-30 RESOLVED, That the 80th Legislature of the State of Texas  
1-31 observe a moratorium on the statutory creation of new police  
1-32 agencies, except for any new law enforcement authority the  
1-33 legislature deems necessary for the Texas Youth Commission, the  
1-34 Texas Juvenile Probation Commission, and the Texas Health and Human  
1-35 Services Commission Office of Inspector General, until the issue  
1-36 can be studied and fully assessed by the 81st Texas Legislature.

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